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GENERAL AND LOCAL LAWS

AND

JOINT RESOLUTIONS,

PASSED BY THE

SIXTY-THIRD GENERAL ASSEMBLY,

AT THE ADJOURNED SESSION,

HELD IN THE CITY OF COLUMBUS, COMMENCING TUESDAY, JANUARY 7, 1879.

VOLUME LXXVI.

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GENERAL LAWS.

[House Bill No. 14.]

AN ACT

To amend an act entitled "an act to amend section twenty-eight of the code of civil procedure," passed March 30th, 1874. (Sayler's Stat., page 3222.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-eight of the code of civil procedure be amended so as to read as follows:

Section 28. Where a married woman is a party, her husband must be joined with her, except that where the action concerns her separate property, or is upon a written obligation, contract or agreement, signed by her, or is brought by her to set aside a deed or will, or is brought by her to collect a legacy; or if she be engaged as owner or partner in any mercantile or other business, and the cause of action grows out of or concerns such business, or is between her and her husband, she may sue or be sued alone. And in all cases where she may sue and be sued alone, the like proceedings shall be had, and the like judgment rendered and enforced in all respects as if she were an unmarried woman. And in every such case, her separate property and estate shall be liable for any judgment rendered therein against her to the same extent as would the property of her husband, were the judgment rendered against him: provided, that she shall be entitled to the benefit of all the exemption laws of the state to heads of families; but in no case shall she be required to prosecute or defend by her next friend.

Where married woman is a party, where husband must be joined

Proceedings where she is sued alone.

How her separate property charged.

Entitled to benefit of exemption laws.

SEC. 2. That the act entitled "an act to amend section twenty-eight of the code of civil procedure," passed March 30th, 1874, be and the same is hereby repealed.

Repeal.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed January 21, 1879.

[House Bill No. 609.]

AN ACT

Making partial appropriations for the fiscal year ending November 15, A.D. 1879, for the several public institutions therein named.

Appropriations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated, out of any money in the treasury to credit of the asylum fund, and not otherwise appropriated by law, the following sums, to wit:

For the Athens Asylum for the Insane:

Athens asylum insane.

Current expenses, twenty-five thousand dollars ($25,000.00).
Salaries, eleven hundred dollars ($1,100.00).

For the Columbus Asylum for the Insane:

Columbus asylum insane.

Current expenses, thirty-nine thousand dollars ($39,000.00).
Salaries, fifteen hundred dollars ($1,500.00).

For the Cleveland Asylum for the Insane:

Cleveland asylum insane.

Current expenses, twenty-five thousand dollars ($25,000.00).
Salaries, twelve hundred and fifty dollars ($1,250.00).

For Dayton Asylum for the Insane:

Dayton asylum insane.

Current expenses, twenty-five thousand dollars ($25,000.00).
Salaries, eleven hundred dollars ($1,100.00).

For Asylum for the Deaf and Dumb:

Asylum deaf and dumb.

Current expenses, fifteen thousand dollars ($15,000.00).
Salaries, forty-five hundred dollars ($4,500.00).

For Longview Asylum:

Longview asylum insane.

Current expenses, thirty-two thousand five hundred and fifteen dollars ($32,515.00).

Colored insane.

Colored insane, one thousand dollars ($1,000.00).

For the Lucas County Asylum for the Insane:

Lucas county asylum insane.

Support of patients under contract, four thousand five hundred and fifty dollars ($4,550.00).

For Asylum for Imbecile Youth:

Asylum imbecile youth.

Current expenses, sixteen thousand dollars ($16,000.00).
Salaries, officers and teachers, three thousand dollars ($3,000.00).

New wings.

Heating new wings, six thousand seven hundred dollars ($6,700.00).

Repairs.

Gas fixtures and plumbing, thirty-six hundred and forty-eight dollars ($3,648.00).
For furnishing new wings, eleven thousand seven hundred and nineteen dollars and fifty cents ($11,719.50).

For Blind Asylum:

Blind asylum.

Current expenses, six thousand dollars ($6,000.00).
Salaries, two thousand dollars ($2,000.00).

For Reform School for Boys:

Reform school for boys.

Current expenses, nine thousand dollars ($9,000.00).
Salaries, four thousand dollars ($4,000.00).

For Girls' Industrial Home:

Industrial home for girls.

Current expenses, six thousand dollars ($6,000.00).
Salaries, sixteen hundred dollars ($1,600.00).

For Ohio Penitentiary:

State penitentiary.

Current expenses, thirty thousand dollars ($30,000.00).
Salaries of directors, six hundred dollars ($600.00).

Salaries.

Salary of warden, deputy warden, clerk, assistant clerk, physician, steward, chaplain, captain of the night-watch, officers of the guard-room, superintendents of hospital, kitchen, yard, and state shops, three thousand dollars ($3,000 00).
Guards, sixteen thousand dollars ($16,000.00).
For enlargement and repairs, six thousand dollars ($6,000.00.)

For Board of State Charities:

State charities board. Salary secretary.

Expenses of board and salary of secretary, five hundred dollars ($500.00).

For Ohio Soldiers' and Sailors' Orphans' Home:

Soldiers' and sailors' orphans' home.

Current expenses, twenty thousand dollars ($20,000.00).
Salaries of officers and teachers, three thousand dollars ($3,000.00).

Non-resident orphans.

For the support of orphans outside of home, two thousand dollars ($2,000.00).

For Toledo House of Refuge and Correction:

Toledo house of refuge for boys.

For support of boys under contract with attorney-general, four thousand eight hundred and seventy-five dollars ($4,875.00).

For Trustees of Benevolent Institutions:

Trustees expenses—benevolent institutions.

For necessary expenses of the trustees of the various benevolent institutions, six hundred dollars ($600.00).

SEC. 2. This act shall take effect from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed January 25, 1879.

[House Bill No. 595.]

AN ACT

Making partial appropriations for the fiscal year 1879.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated, out of any money in the treasury to the credit of the revenue fund, and not otherwise appropriated by law, the following sums for the purposes hereinafter named, to wit:

For State Board of Agriculture:

State board of agriculture.

Encouragement of agriculture, seven hundred and fifty dollars ($750.00.)

Contingent expenses, to be paid upon vouchers approved by the auditor of state and filed in his office, two hundred dollars ($200.00).

Horticultural society, to be paid to the president thereof, upon vouchers to be approved by the auditor of state and filed in his office, one hundred and twenty-five dollars ($125 00).

For Board of Public Works:

Board of public works.

Salaries of members, six hundred dollars ($600.00).

Attorney's fees, one hundred and twenty-five dollars ($125.00).

For contingent expenses, one hundred and twenty-five dollars ($125.00).

Said salaries, attorney's fees, and contingent expenses, shall be paid out of the canal fund.

For Adjutant-General's Office:

Adjutant-general's office.

Salary of adjutant-general, five hundred dollars ($500.00).

Salary of assistant adjutant-general, three hundred and seventy five dollars ($375 00).

Salary of one clerk, two hundred and fifty dollars ($250.00).

Superintendent of state arsenal, who shall also discharge the duties of ordnance clerk, two hundred and twenty-five dollars ($225.00).

Salary of two clerks to transcribe muster-rolls, five hundred dollars ($500.00).

Labor at state arsenal, and care of arms, one hundred and fifty dollars ($150.00).

Contingent expenses, one hundred and fifty dollars ($150.00).

For Adjutant-General—Capitol:

Adjutant-general—capitol.

Care of capitol and grounds, five hundred dollars ($500.00).

Wages of employés, one thousand five hundred dollars ($1,500 00).

Policeman, one hundred and twenty-five dollars ($125.00).

Fuel, two hundred and fifty dollars ($250.00).

Water rent, two hundred dollars ($200.00).

For Attorney-General:

Attorney-general.

Salary of clerk, one hundred and fifty dollars ($150.00).
Contingent expenses, one hundred dollars ($100.00).

For Auditor of State:

Auditor of state.

Salary of chief clerk, five hundred dollars ($500.00).
Salary of book-keeper, three hundred and seventy-five dollars ($375.00).
Salary of land clerk, three hundred and forty dollars ($340.00).
Salary of general account and miscellaneous clerk, three hundred and thirty-three dollars ($333.00).
Salary of trust funds clerk, three hundred and thirty-three dollars ($333 00).
Salary of statistical, bank, and railroad clerk, three hundred and seventy-five dollars ($375.00)
Contingent expenses, five hundred dollars ($500.00).

For Commissioner of Fisheries:

Commissioner of fisheries.

Current expenses, one thousand dollars ($1,000.00).

For Commissioner of Railroads and Telegraphs:

Commissioner of railroads and telegraphs.

Salary of one clerk, three hundred dollars ($300.00.)
Contingent expenses, seventy-five dollars ($75.00).
For bridge inspector, to examine railroad bridges, to be paid on vouchers indorsed by commissioner, two hundred dollars ($200.00.)

For Commissioner of State Common Schools:

Commissioner of state schools.

Salaries of clerks, seven hundred dollars ($700.00).
Contingent expenses, one hundred and fifty dollars ($150.00).
Traveling expenses, one hundred and fifty dollars ($150.00).

For Governor's Office:

Governor's office.

Salary of executive clerk, three hundred and seventy-five dollars ($375.00).
Contingent expenses, six hundred dollars ($600.00).

For Insurance Department:

Insurance department.

Salary of chief clerk, four hundred dollars ($400.00).
Salary of assistant clerk, three hundred dollars ($300.00).
Temporary clerk hire, five hundred dollars ($500.00).
Contingent expenses, one hundred and fifty dollars ($150.00).

For Judiciary:

Judiciary.

Salaries of supreme, superior, and common pleas judges, forty thousand dollars ($40,000.00).

For the Legislature:

Legislature.

Per diem and mileage of members of the general assembly, and per diem of clerks, assistant clerks, sergeant-at-arms, and payment of messengers, pages, and other employés, under the laws and resolutions of the senate and house, fifty-five thousand dollars ($55,000.00).

Contingent expenses of house of representatives and senate, one thousand dollars ($1,000.00).

Expenses of committees of both branches of the general assembly, and witnesses called to testify before the same, one thousand dollars ($1,000.00).

For Law Library:

Law library.

Salary of assistant librarian and messenger of supreme court, two hundred and fifty dollars ($250 00).

Salary of messenger and attendants of commission to aid supreme court, two hundred dollars ($200 00).

For State Library:

State library.

Salary of assistant librarian, two hundred and fifty dollars ($250.00).

Contingent expenses, one thousand dollars ($1,000.00).

Books, seven hundred dollars ($700.00).

For Inspector of Mines:

Inspector of mines.

Salary of inspector of mines, five hundred dollars ($500.00).

For Secretary of State:

Secretary of state.

Salary of chief clerk, five hundred dollars ($500.00).

Salary of statistical clerk, three hundred and seventy-five dollars ($375.00).

Salary of stationery clerk, three hundred dollars ($300.00).

Salary of corporation clerk, three hundred dollars ($300 00).

Salary of recording clerk. three hundred dollars ($300.00).

Contingent expenses of the office, three hundred dollars ($300.00).

Stationery, fifty thousand dollars ($50,000.00).

Distribution of laws, journals, and public documents, five hundred dollars ($500,00).

For Supervisor of Public Printing.

Supervisor of public printing.

State printing, eight thousand dollars ($8,000.00).

State binding, six thousand dollars ($6,000.00).

For Supreme Court:

Supreme court.

Salary of assistant clerk, three hundred and seventy-five dollars ($375.00).

Salary of reporter, four hundred dollars ($400.00).

Contingent expenses, fifty dollars ($50.00).

Contingent expenses of clerk, fifty dollars ($50.00).

Contingent expenses of reporter, fifty dollars ($50.00).

For Salaries of State officers:

Salaries of governor, lieutenant-governor, auditor of state, secretary of state, treasurer of state, state commissioner of common schools, superintendent of insurance, attorney-general, clerk of supreme court, private secretary of the governor, commissioner of railroads and telegraphs, state librarian, law librarian, and supervisor of public printing and binding, five thousand dollars ($5,000.00). Salaries of state officers.

For Labor Statistics:

Salary of commissioner of labor statistics, five hundred dollars ($500.00).
Contingent expenses, one hundred dollars ($100.00). Commissioners of labor statistics.

For Treasurer of State:

Salary of cashier, five hundred dollars ($500.00).
Salaries of two book-keepers, six hundred and seventy-five dollars ($675.00). State treasurer.
For pay of night watch, four hundred dollars ($400.00).
Contingent expenses of office, two hundred dollars ($200.00).

For Commissioners to Revise and Consolidate the Statutes:

Per diem of commissioners, two thousand dollars ($2,000.00). Revisory commission.
Pay of clerks, sixteen hundred dollars ($1,600.00).
Contingent expenses, one hundred dollars ($100.00).

Miscellaneous.

For payment of claim of Joseph Tomlinson, of Ottawa, Canada, for services relating to the Ashtabula bridge disaster, rendered January, 1877, one hundred and eleven dollars and fifty cents ($111.50). Payment claim of Joseph Tomlinson.

For Furnishing Hall of House of Representatives:

For new desks and chairs of house of representatives under house resolution No. 67, two thousand dollars ($2,000.00). Furnishing hall of house of representatives.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed January 25, 1879.

[Senate Bill No. 192.]

AN ACT

To amend section twenty-four of an act entitled "an act for the relief of the poor, and to repeal certain acts therein named." (Vol. 73, 233 Laws, 1876.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-four of said act be amended so as to read as follows, to wit:

Relating to counties having infirmaries.

Whenever, in any county having an infirmary, the trustees of any township, shall after making inquiry provided in the fifteenth section of this act, be of the opinion that the person complained of is in a condition requiring public relief, they shall forthwith transmit a statement of said facts, so far as they shall have been able to ascertain the same, to the superintendent of the infirmary, and if it shall appear that such alleged pauper is legally settled in said township, or has no legal settlement in this state, or that such settlement is unknown, and said superintendent is satisfied that said alleged pauper requires public relief, he shall forthwith receive said pauper, and provide for him or her in said infirmary, and shall furnish transportation for said pauper to said infirmary; provided, that the directors of the infirmary may order the discharge of any inmate thereof.

Superintendent shall, under certain conditions, receive non-resident paupers.

Directors may order discharge of inmates.

SEC. 2. This act shall be in force and take effect from and after its passage, and said original section twenty-four is hereby repealed.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed January 27, 1879.

[House Bill No. 524.]

AN ACT

To authorize the incorporation of associations for the purpose of the reclamation of both men and women from lives of intemperance and immorality.

Number who may associate for reclamation of intemperate and immoral persons.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for any number of persons, not less than five, to associate and become a body corporate for the purpose of the reclamation of both men and women from lives of intemperance and immorality.

Rules for the formation of such associations.

SEC. 2. The persons so associating, shall make out and sign and seal a certificate, which shall specify—

1. The name of such association.
2. The county where such association is located.
3. The post office address of such association.

Acknowledgment of certificate.

SEC. 3. Such certificate shall be acknowledged and recorded in the same manner as is provided for the acknowledgment and record of certificates of skating parks, music, law and art associations.

Powers granted such association.

SEC. 4. Such association, when so incorporated, shall have full corporate powers to purchase, hold and control any and all real estate and interest therein necessary to carry out the purpose of such association, and all other corporate powers conferred upon associations organized under and by virtue of an act entitled "an act to amend section nine of an act entitled 'an act supplementary to an act entitled an act to provide for the creation and regulation of incorporated companies in the state of Ohio,'" passed May 1, 1852; passed April 15, 1867, (S. & S., 186); as amended February 25, 1869, (O. L., v. 66, p. 11); as amended April 20, 1874, (O L., v. 71, p. 161); as amended April 11, 1876, (O. L., v. 73, p. 188); and acts to which that is amendatory and supplemental, and acts amendatory and supplemental thereto.

SEC. 5. This act shall be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed January 30, 1879.

[House Bill No. 549.]

AN ACT

For the punishment of persons throwing or shooting at railroad trains.

Penalty for throwing or shooting at railroad trains.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whoever willfully throws any stone or other hard substance, or shoots any missile at any railroad car, train, or locomotive, shall be fined not more than five hundred or less than fifty dollars, and shall be imprisoned in the penitentiary not more than three years, or in the county jail not more than six months.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed January 30, 1879.

[Senate Bill No. 229.]

AN ACT

To amend section four of chapter three, of an act entitled "an act to amend and revise the statutes relating to taxation, to be known as title thirteen, part one, of the act to revise and consolidate the general statutes," passed May 11, 1878. (O. L., vol. 75, p. 460.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four (4), of chapter three (3), of an act entitled "an act to amend and revise the statutes relating to taxation, to be known as title thirteen, part one, of the act to revise and consolidate the general statutes," passed May 11, 1878, (Ohio laws, vol. 75, p. 460), be so amended as to read as follows:

Duties of county auditors with reference to delivering to assessors abstracts of real property situated in their respective counties.

Section 4. The auditor of each county shall, as soon as practicable after the first day of March, one thousand eight hundred and eighty, and every tenth year thereafter, make out and deliver to the assessor of each district in his county, an abstract from the books in his office, containing a description of each tract and lot of real property, situate within such district, with the name of the owner thereof, if known, and the number of acres or quantity of land contained therein, as the same shall appear on his books; and also a map of each township and town within such district, with such plat books as may be necessary to enable the district assessor to make a correct plat of each section, survey, and tract in his district: provided, however, that if, in the opinion of the county commissioners of any county, it is deemed necessary, to the proper appraisal of the real estate of such county, then said county commissioners may, on or before their June session in the year one thousand eight hundred and seventy-nine, and every tenth year thereafter, advertise, for four consecutive weeks, in one or more newspapers of general circulation in the county, for sealed proposals to construct the necessary maps and plats, to enable the several district assessors in the county, or any district thereof, to correctly reappraise all real estate; and such advertisement shall particularly specify the extent and character of the work to be done. Each bid shall be accompanied by a good and sufficient bond of not less than one thousand dollars in amount, to become due and payable in case the aforesaid bidder shall fail or refuse to enter into contract in accordance with the advertised proposals, in case the same shall be accepted. The county commissioners shall open the bids on the day named in the advertisement, and shall, within three days thereafter, (provided that the county commissioners may reject any and all bids for such work), or if, in their opinion, it is to the interest of the county so to do, may award the contract to the lowest and best bidder, who shall immediately give a good and sufficient bond, with two or more sureties, in an amount of not less than two thousand dollars, or more than ten thousand dollars, as shall be required by the afore-

County commissioners may hold a meeting with a view to advertising for sealed proposals.

Bids shall be accompanied by bonds, which shall be forfeited if contract is not fulfilled.

Commissioners shall open bids and award contracts.

Contractor shall immediately give bond.

said commissioners, conditioned for the prompt, faithful, and accurate performance of the work required to be done; but nothing in the foregoing shall be construed to prevent the auditor of the county from exercising full supervision over the work of making said plats and maps. On the completion of any town, township, or district, the work shall be paid for out of the county treasury, on the warrant of the county auditor, after the same shall have been duly accepted and approved by the board of county commissioners; and no bill shall be allowed until the auditor and commissioners are satisfied that the labor has been performed in accordance with the contract on file with the county auditor; but in counties or districts having no map, it shall be the duty of the commissioners to furnish the same under the provisions of this section.

County auditor shall have full supervision of work.

Bills for said work shall be paid out of county treasury after having been approved.

SEC. 2. That said original section four be and the same is hereby repealed.

Repeal.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed January 31, 1879.

[House Bill No. 614.]

AN ACT

Supplementary to an act to amend, revise, and consolidate the statutes relating to municipal corporations, to be known as title twelve, part one, of the act to revise and consolidate the general statutes of Ohio, passed May 11, 1878. (O. L., 75, p. 314.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the second grade of the second class, for the payment of the cost of lighting the corporation, the city council may, by ordinance, levy and assess a tax of five tenths of one mill on all property on the general duplicate of said city, and in addition thereto a tax according to the valuation of such property, as assessed upon the tax duplicate, on the lots and lands bounding or abutting on the streets and avenues so lighted; and all the provisions of chapter four, division seven, of an act to amend, revise, and consolidate the statutes relating to municipal corporations, to be known as title twelve, part one, of the act to revise and consolidate the general statutes of Ohio, passed May 11, 1878, (O. L., 75, p. 314), concerning special assessments, and the collection thereof, which in their nature are applicable, shall apply to assessments for this purpose.

Taxation of property in towns of the second grade of the second class for lighting streets.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed February 11, 1879.

[House Bill No. 588.]

AN ACT

To amend the act passed May 14, 1878, entitled "an act to amend, revise, and consolidate the statutes relating to municipal corporations, to be known as title twelve, part one, of the act to revise and consolidate the general statutes of Ohio." [Vol. 75, O. L., p. 161, 407.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eleven (11), chapter three (3), division nine (9), of the above entitled act, be amended as to read as follows:

Trustees of sinking fund shall invest all money in bonds.

Section 11. The trustees of the sinking fund shall invest all moneys received by them in bonds of the United States, state of Ohio, or city of Cincinnati; and in cities of the first grade of the first class they shall give preference to the bonds of said city of Cincinnati, when they can be purchased at a price equal to or less than the bonds of the United States, or of the state of Ohio, taking into consideration the rate of interest paid on each; all interest received by them shall be re-invested in like manner; at no time shall there be over ten thousand dollars kept upon deposit, if investment can be made; and in cities of the first grade of the first class, all bonds of the city of Cincinnati now in the possession of the trustees, or those hereafter purchased by them, excepting to the amount of seventy-five thousand dollars, shall have written, stamped, or printed conspicuously in red ink across the face thereof the following words, "This bond is canceled," and on each coupon thereof shall be written, stamped, or printed the following words, "Payable only to the order of the trustees of the sinking fund."

Interest on bonds shall be reinvested in same manner. Cincinnati bonds shall be canceled, and coupons thereof shall be made payable only to trustees of sinking fund.

Repeal.

SEC. 2. That said original section eleven be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed February 11, 1879.

[Senate Bill No. 217.]

AN ACT

Supplementary to an act defining the powers and prescribing the duties of the board of public works, passed May 14th, 1878. (Ohio Laws, vol. 75, page 584.)

Rights of the chief engineer of the board of public works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where the board of public works are now authorized by law to appoint resident engineers, collectors of tolls, superintendents of repair, and all other officers connected with the superintendence, repair, and preservation of the public works of this state, the chief engineer of the public works shall have an equal vote with each member of the board of public works in the selection of all said officers, and it shall require a majority of the votes of all the members of the board of public works and said chief engineer either to remove or appoint any of said officers.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed February 12, 1879.

[House Bill No. 646.]

AN ACT

Supplementary to the act of May 14, 1878, entitled "an act to revise and consolidate the laws relating to civil procedure in courts of common pleas and superior courts, in district courts on appeal, and also the laws relating to procedure in error, mandamus, and quo warranto."

Mode of civil procedure in suing a company or firm.

Only partnership property to be levied upon.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when a partnership carrying on a trade or business in this state, or holding property therein, is sued by the usual or ordinary name which it has assumed, or by which it is known, process may be served against such company or firm by a copy left at its usual place of doing business within the county; and execution issued on any judgment rendered in such proceeding, shall operate only on partnership property.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed February 12, 1879.

[House Bill No. 601.]

AN ACT

To amend section forty-six of an act entitled "an act for the re-organization and maintenance of common schools," passed May 1, 1873. (O. L., vol. 70, page 207.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section forty-six of the above recited act be so amended as to read as follows:

Treasurer of any school district shall furnish bond.

Section 46. Each school district treasurer or county treasurer, who is ex-officio treasurer of any school district, shall, before entering upon the duties of his office, execute a bond, with sufficient security, in double the probable amount of school money belonging to such school district that shall come into his hands, payable to the state of Ohio, to be approved by the board of education, conditioned for the faithful disbursement, according to law, of all such funds as shall, from time to time, come into his hands; and the said board,

Duties of the board of education.

at the time of the approval of such bonds, shall require the treasurer of the school funds to produce all moneys, bonds, or other securities in his hands as such treasurer, and the same shall be then counted by the board, or a committee thereof, in the presence of the clerk of the board of education, who shall thereupon enter upon the records of the board, a certificate setting forth the exact amount of moneys or other securities so found in the hands of said treasurer;

Parties who shall sign record.

which record shall be signed by the president and clerk of the board, and shall be prima facie evidence that the amount therein stated was actually in the treasury at that date; said

Bond shall be filed.

bond when so executed and approved shall be filed with the clerk of the board of education of said district, who shall immediately cause a certified copy thereof to be filed with the county auditor; said treasurer shall report to the board

Treasurer's report.

of education within ten days after his settlement with the county auditor, as hereinafter provided, the amount of funds in his hands for school purposes.

Repeal.

SEC. 2. That said original section forty-six of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect on its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed February 13, 1879.

[House Bill No. 653.]

AN ACT

To authorize county auditors of this state to sell the return books and statistics of township assessors.

Duties of county auditors in reference to return books and statistics of township assessors.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That county auditors of this state are hereby authorized, and it is made their duty, after having made a complete record of the returns and statistics of the various township assessors of their counties as provided by law, to sell the return books and statistics of said assessors as waste-paper, and to pay the money received for the same into the county treasury, to be placed to the credit of the county fund and charged on the auditor's ledger against said treasurer: provided, that all such books, statistics, and statements of property listed for taxation by the township assessors shall be kept on hand at least three years before being sold or otherwise disposed of.

Proviso.

SEC. 2. This act to take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES. W. OWENS,
President pro tem. of the Senate.

Passed February 15, 1879.

[House Bill No. 357.]

AN ACT

To amend an act entitled "an act to provide for the investment of funds detained in the hands of executors, agents, attorneys, or officers, by reason of pending litigation."

Investment of funds detained by parties by reason of litigation.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in every case where money coming into the hands of an executor, administrator, trustee, agent, assignee, attorney, or officer, shall be stopped therein by reason of litigation or other lawful cause, and the same will probably be so detained for more than six months, said executor, administrator, trustee, agent, assignee, attorney, or officer is hereby authorized to invest the same, during such detention, in the same manner that trust funds are now authorized by law to be invested, or in such other manner as the probate court or other court having jurisdiction of the pending litigation, or person or persons aforesaid may direct.

Repeal.

SEC. 2. The act entitled "an act to provide for the investment of funds detained in the hands of executors, administrators, agents, attorneys, or officers, by reason of pending litigation," passed and took effect April 9, 1868, be and the same is hereby repealed (S. & S., p. 923).

SEC. 3. This act to take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed February 18, 1879.

[House Bill No. 22.]

AN ACT

For the relief of ex-Union soldiers and their heirs.

Sum to be charged by authorized parties for administering oath required in procuring bounties and pensions.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it is hereby made the duty of justices of the peace and notaries public, upon request, to administer and certify to all oaths required in the procurement of bounties and pensions, and payment of pensions; and they shall be entitled to charge and receive for each oath so administered and certified, the sum of ten cents and no more.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed February 18, 1879.

[House Bill No. 592.]

AN ACT

To amend an act entitled "an act for the incorporation of townships," passed March 14, 1853.

Duties of county commissioners in incorporating townships.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of county commissioners of any county may alter or change the boundaries of any township or townships, or partition any township or townships among other townships within their county, by attaching a part of one township to another, or by dividing one township and attaching the parts to other townships, or by laying off and designating a new township from the territory of one or more townships, whenever it shall be made to appear necessary or expedient by a petition for that purpose by a majority of the householders residing within the bounds of each of the respective townships to be affected by such partition or division; but before the commissioners shall act on such partition, at least thirty days' notice of the intended application shall have been given by advertisement at three pub-

Any alterations in the incorporation shall be proclaimed and advertised.

lic places within the bounds of the territory purposed to be partitioned, altered, or changed; and the commissioners shall cause the boundaries of such township or townships so changed or altered, and of any new township established, to be recorded in a book to be kept for that purpose, and shall give to every new township so laid off, such appropriate name as they may think proper, but no two townships in the same county shall have the same name; and whenever any boundary line between townships shall be in dispute, the commissioners shall, upon the application of the trustees of one of said townships, and upon notice in writing to the trustees of the other township or townships, and thirty days' notice published in some newspaper published within the county, establish the said boundary line and make a record thereof in said book.

Alterations shall be recorded.

Name to be given new township.

SEC. 2. The act passed April 29, 1873, entitled "an act to amend an act entitled an act to amend an act entitled an act to amend section one of an act passed February 10, 1857, amendatory of an act for the incorporation of townships," passed March 14, 1853, passed April 26, 1871 (70 v. 186), is hereby repealed; and this act shall take effect from its passage.

Repeal.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed February 20, 1879.

[House Bill No. 657.]

AN ACT

To amend an act known as "title one, crimes and offenses, part four of the act to revise and consolidate the general statutes of Ohio," passed May 5, 1877. (O. L., vol. 74, page 240.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section thirty of chapter eight of the above entitled act be so amended as to read as follows:

Section 30. Whoever kills any wild deer at any time except between the fifteenth day of October and the twentieth day of November, shall be fined not more than fifty nor less than ten dollars, or imprisoned not more than thirty nor less than ten days, or both.

Penalty for killing wild deer.

SEC. 2. That said original section thirty is hereby repealed, and this act shall take effect upon it passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed February 21, 1879.

[House Bill No. 628.]

AN ACT

To prevent the killing or injuring of quail, or Virginia partridge, and prairie chickens.

Penalty for killing quail, Virginia partridge, and prairie chickens.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whoever, in any place, catches, kills, or injures, or pursues with such intent, any quail, or Virginia partridge, or prairie chicken, before the fifteenth day of November, one thousand eight hundred and eighty, or disturbs or destroys the eggs of any such birds, shall be fined not more than thirty nor less than three dollars, or be imprisoned not more than thirty days, or both.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH.
President of the Senate.

Passed February 21, 1879.

[Senate Bill No. 286.]

AN ACT

Relating to the rebuilding of the Ohio soldiers' and sailors' orphans' home.

To rebuild the dining-room section. Fixing the limit of the cost.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of trustees of the Ohio soldiers' and sailors' orphans' home are authorized to rebuild and refurnish that part of the burned buildings of said soldiers' and sailors' orphans' home known as the dining-room section, and situate in the rear of, and connected with, the main or administration building, at a cost not exceeding nine thousand dollars For the purpose aforesaid the said board of trustees are authorized to purchase all necesssary materials, and employ a competent superintendent of said rebuilding, and all proper and necessary labor required to speedily prepare said dining-room section for use and occupation.

Duties of the board of trustees.

Appropriation made.

SEC. 2. There is hereby appropriated from the asylum fund of this state the sum of nine thousand dollars, which shall be paid out of the state treasury, in like manner as is other moneys belonging to said soldiers' and sailors' orphans' home.

SEC. 3. That the act entitled "an act to regulate contracts on behalf of the state," passed April 3, 1873, and all contracts supplementary to and amendatory thereof, shall not apply to the said rebuilding of the dining-room section of the said burned buildings.

SEC. 4. This act shall take effect upon its passage.

JAMES E NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed February 21, 1879.

[Senate Bill No. 251.]

AN ACT

Supplementary to an act entitled "an act relating to ditches," passed April 12, 1871 (O. L, vol. 68, page 60), and the acts supplementary thereto and amendatory thereof.

Powers of the board of directors of any county infirmary in locating and constructing ditches, drains, and water-courses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of directors of the county infirmary of any county in this state are hereby authorized and empowered to commence and carry on proceedings for the location and construction of ditches, drains, and water-courses, and for the deepening and widening, or cleaning out ditches, drains, and water-courses, which will or do drain, in whole or in part, the lands belonging to the infirmary farm of such county, the same as individual land owners are authorized to do by the said acts to which this is supplementary, except that such board shall not be required to file any bond in such proceeding as required of individuals; and like proceedings shall be had thereon in all other respects as is now or may be provided by law for the location, establishment, and construction of ditches, drains, and water-courses, and for the deepening and widening or cleaning out of the same, on petition of land owners.

Board not to file bond.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed February 21, 1879.

[Senate Bill No. 210.]

AN ACT

Providing for increasing the levy for poor purposes in certain townships.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eight, chapter five, of the revised statutes, page 476, be amended to read as follows:

Trustees of each township to determine amount of taxes necessary for township purposes.

Section 8. The trustees of each township shall, on or before the fifteenth day of May, annually, determine the amount of taxes necessary for all township purposes, and there shall be levied annually, by the county auditor, for township purposes, including the relief of the poor, but not including the support of common schools, or the payment of the interest and principal of the debts of the township, which such rates of taxes as the trustees of the respective townships may certify to the county auditors to be necessary, not exceeding one mill on each dollar of the taxable valuation of the property of the township which does not exceed two hundred

Support of common schools and payment of interest and principal of township debts not to be included in township tax.

thousand dollars, and eight-tenths of one mill on each dollar of such taxable valuation exceeding two hundred thousand dollars, and not exceeding three hundred thousand dollars, and one-half of one mill on each dollar of taxable valuation exceeding three hundred thousand dollars, and not exceeding five hundred thousand dollars; and four-tenths of a mill on each dollar of such taxable valuation exceeding five hundred thousand dollars, and not exceeding eight hundred thousand dollars: provided, that in counties where there are no county infirmaries, a further township tax, not exceeding one mill and five-tenths of a mill on each dollar of the taxable property of the township, may be levied for the relief of the poor, to be applied solely to that purpose.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed February 25, 1879.

[Senate Bill No. 213.]

AN ACT

To amend section one of chapter eight, of an act entitled "an act to revise and consolidate the laws relating to procedure in the probate court," passed May 7th, 1878. (O. L. vol. 75, page 960.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one, of chapter eight, of an act entitled "an act to revise and consolidate the laws relating to procedure in the probate court," passed May 7, 1878, (O. L., vol. 75, page 960), be so amended as to read as follows:

Jurisdiction of probate court in misdemeanors in the counties named.

Section 1. The probate court shall have jurisdiction concurrent with the court of common pleas, in all misdemeanors, in the following counties: Cuyahoga, Lake, Lucas, Montgomery, Erie, Richland, Scioto, Holmes, Meigs, Henry, Belmont, Stark, Ottawa, Williams, Allen, Wood, Sandusky, Darke, Wyandot, Coshocton, Defiance, Portage, Clermont, Carroll, Gallia, Hocking, Brown, Lorain, Columbiana, Madison, Clinton, Shelby, Geauga, Mahoning, Jefferson, Monroe, Hancock, Adams, Highland, and Licking.

Repeal.

SEC. 2. That said section one, of chapter eight, of the above recited act be and the same is hereby repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed February 28, 1879.

[House Bill No. 736.

AN ACT

To amend section thirty-three of chapter eight, of an act entitled "an act to amend, revise, and consolidate the statutes relating to crimes and offenses, and to repeal certain acts therein named, to be known as title one, crimes and offenses, part four, of the act to revise and consolidate the general statutes of Ohio," passed May 5, 1877. Ohio Laws, vol. 74, page 273.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section thirty-three (33), of chapter eight (8), of an act entitled "an act to amend, revise, and consolidate the statutes relating to crimes and offenses, and to repeal certain acts therein named, to be known as title one, crimes and offenses, part four of the act to revise and consolidate the general statutes of Ohio," passed May 5, 1877 (Ohio Laws, vol. 74, page 273), be so amended as to read as follows:

Penalty for hunting on inclosed grounds, without permission from the person in charge.

Section 33. Whoever, without having received verbal or written permission from the owner, his agent, or a person in charge of enclosed or improved lands or any lands, the boundaries of which are defined by stakes, posts, water-courses, ditches, or marked trees, shall hunt thereon, shoot at, kill, or pursue with such intent, on such lands, any of the birds or game mentioned in sections twenty-seven, twenty-eight, and thirty of this chapter, shall be fined not more than twenty-five nor less than five dollars, or imprisoned not more than thirty nor less than five days, or both.

Repeal.

SEC. 2. That said original section thirty-three of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed February 28, 1879.

[Substitute for House Bill No. 479.]

AN ACT

Supplementary to the act of May 5, 1877, entitled "an act to amend, revise, and consolidate the statutes relating to crimes and offenses, and to repeal certain acts therein named, to be known as title one, crimes and offenses, part four of the act to revise and consolidate the general statutes of Ohio." (Vol. 74, O. L., p. 240.)

Penalty for compounding a felony.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whoever, either directly or indirectly, demands or receives any money or other thing of value for compounding or abandoning, or agreeing to abandon any prosecution threatened or commenced for any crime or misdemeanor, shall be fined not less than twenty-five nor more than three hundred dollars, or imprisoned in the county jail or work-

Proviso.

house, if there be a work-house in the county, not less than ten nor more than ninety days, or both: provided, this act shall not apply to the receiving back by the owner thereof, or his agent, of any property stolen or embezzled.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed February 28, 1879.

[House Bill No. 576.]

AN ACT

To amend section twenty-six of chapter eight of an act entitled "an act to amend, revise, and consolidate the statutes relating to crimes and offenses, and repeal certain acts therein named, to be known as title one, crimes and offenses, part four of the act to revise and consolidate the general statutes of Ohio." (O. L., vol. 74, p. 271.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-six of chapter eight of an act entitled "an act to amend, revise, and consolidate the statutes relating to crimes and offenses, and repeal certain acts therein named, to be known as title one, crimes and offenses, part four of the act to revise and consolidate the general statutes of Ohio," be so amended as to read as follows:

Penalty for hunting muskrat, mink, or otter on the premises of another during specified times.

Section 26. Whoever, between the fifteenth day of April and the first day of March following, traps, catches, kills or pursues with such intent, on the premises of another, any muskrat, mink, or otter, or at any time deposits or places any poison outside any building, for the purpose of poisoning any such animal or other game, or at any time enters upon the premises of another, without his consent, with a view of trapping, hunting, killing, or pursuing with intent to kill any such animal, or enters upon the premises of another without his consent, and sets fire, destroys, tears down, or in any manner injures muskrat heaps or muskrat houses on such premises shall be fined not more than twenty-five nor less than five dollars, or imprisoned not more than thirty days, or both: provided, this act shall not apply to the canals or lands of the state.

Repeal.

SEC. 2. That said section twenty-six of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed March 3, 1879.

[House Bill No. 834.]

AN ACT

To change the time of holding the district court in Logan county, in the first sub-division of the third district of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the time fixed by the judges of the court of common pleas for the third judicial district of Ohio, for holding the district court, for the year 1879, in Logan county, be changed so that said court shall commence, in said county of Logan, on the 15th day of July, A.D. 1879, instead of the 18th of March, as by said judges fixed.

Fixing date upon which the district court of Logan county is to convene.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed March 3, 1879.

[House Bill No. 581.]

AN ACT

To amend section fifteen, of chapter thirteen, of division eight, of the act entitled "an act to amend, revise, and consolidate the statutes relating to municipal corporations, to be known as title twelve, part one, of the act to revise and consolidate the general statutes of Ohio," passed May 14, 1878.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section fifteen of chapter thirteen, division eight, of the act entitled "an act to amend, revise, and consolidate the statues relating to municipal corporations, to be known as title twelve, part one, of the act to revise and consolidate the general statutes of Ohio," passed May 14, 1878, be and it is hereby amended so as to read as follows:

Section 15. On petition filed in the court of common pleas by any person owning a lot in an incorporated or unincorporated hamlet or village, for the establishment or vacation of a street or alley in the immediate vicinity of such lot, or upon the filing of such petition by the owner of a lot in any city, for the vacation of a street or alley in the immediate vicinity of such lot, the court, upon hearing and being satisfied that it will conduce to the general interest of such hamlet [or] village, may declare such street or alley established or vacated, and under like circumstances in cities, may declare such street or alley vacated, but the remedy shall be in addition to those prescribed in this title.

Powers of court of common pleas in declaring streets or alleys established or vacated.

SEC. 2. That original section fifteen of chapter thir-

Repeal.

teen, division eight, of the above mentioned act, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 4, 1879.

[Senate Bill No. 235.]

AN ACT

To regulate contracts of insurance of buildings and structures.

Examination of buildings to be insured.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any party, company, or association hereafter insuring any building or structure against loss or damage by fire or lightning, by renewal of a policy heretofore issued, or otherwise, shall cause said building or structure to be examined by an agent of the insurers, and full description thereof to be made and the insurable value thereof to be fixed by such agent. In the absence of any change increasing the risk, without the consent of the insurer or insurers, or of intentional fraud on the part of the insured, in case of total loss, the whole amount mentioned in the policy or renewal upon which the insurers receive a premium, shall be paid; in case of partial loss, the full amount of the partial loss shall be paid. In case there are two or more policies upon the property, each policy shall contribute to the payment of the whole of the partial loss in proportion to the amount of insurance mentioned in each policy, but in no case shall any insurer be required to pay more than the amount mentioned in its policy.

Amount of insurance to be paid in case of total loss.

Amount to be paid in case of partial loss.

Amount to be paid when there are two or more policies.

As to who shall be considered an insurance agent.

SEC. 2. That any person soliciting insurance shall be held to be the agent of the party hereafter issuing a policy or renewal, upon the application procured by him, anything in the application or policy to the contrary notwithstanding.

SEC. 3. This act shall take effect on and after the first day of July next after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed March 5, 1879.

[Senate Bill No. 265.]

AN ACT

To amend section 7, chapter 1, division 4, of an act to revise and consolidate the laws relating to civil procedure in courts of common pleas and superior courts, in district courts on appeal, and also the laws relating to procedure in error, mandamus, and quo warranto, passed May 14, 1878. (Ohio Laws, vol. 75, page 667.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 7, chapter 1, of division 4, of the act to revise and consolidate the laws relating to civil procedure, be so amended as to read as follows:

Section 7. When a mortgage is foreclosed, a sale of the premises shall be ordered; and when the premises to be sold are in one or more tracts, the court may direct the officer making the sale to sub-divide, appraise, and sell the same in parcels, or to sell any one of the tracts as a whole.

Manner in which property is to be sold upon the foreclosure of a mortgage.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 6, 1879.

[Substitute for Senate Bill No. 55.]

AN ACT

To provide for the better regulation of sales on execution and orders of sale.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court from which any execution or order of sale shall have issued, shall, upon notice and motion of the officer or interested party, punish as for contempt any purchaser of real property failing to pay the purchase-money therefor.

Penalty for failing to pay for real property purchased at a court sale.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 6, 1879.

[House Bill No. 616.]

AN ACT

To amend section six (6), chapter four (4), division seven (7) of an act entitled "an act to amend, revise, and consolidate the statutes relating to municipal corporations, to be known as title twelve (12), part one (1) of the act to revise and consolidate the general statutes of Ohio."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section six (6) of the above named act be so amended as to read as follows:

In reference to assessing property holders, with a view to aiding public improvements.

Section 6. No public improvement, the cost or part of the cost of which is to be especially assessed on the owners of adjacent property, and no order appointing assessors of damages, or confirming their report, shall be made without the concurrence of the council, and it shall be essential that two-thirds of the whole number of members elected to the council concur, unless two-thirds of the owners to be charged petition in writing therefor; and in villages not situate in a county containing a city of the first class, no special assessment shall be made, except for side-walks, unless it first receive the assent in writing of a majority of the owners to be charged therewith.

Repeal.

SEC. 2. That said section of the above recited act be and the same is hereby repealed.

SEC. 3 This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 7, 1879.

[Senate Bill No. 227.]

AN ACT

To amend section one of chapter one, and section one of chapter two of an act entitled "an act to amend and revise the statutes relating to taxation, to be known as title thirteen (13), part one (1) of the act to revise and consolidate the general statutes." (O. L., vol. 75, page 436.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one (1) of chapter one (1), and section one (1) of chapter two (2) be amended to read as follows:

Definition of "real property" and "land."

Section 1. In this title, the terms "real property" and "land" shall be held to mean and include not only land itself, whether laid out in town lots or otherwise, with all things contained therein, but also, unless otherwise specified, all buildings, structures, and improvements, and fixtures of whatever kind thereon, and all rights and privileges belonging, or in anywise appertaining thereto; the terms "investments in bonds," shall be held to mean and include all mon-

eys invested in bonds, or certificates of indebtedness, or other evidences of indebtedness, of whatever kind, whether issued by incorporated or unincorporated companies, towns, cities, villages, townships, counties, states, or other incorporations, or by the United States, held by persons residing in this state, whether for themselves or others; the terms "investments in stocks," shall be held to mean and include all moneys invested in the capital or stock of any association, corporation, joint stock company, or other company, the capital or stock of which is or may be divided into shares, which are transferable by each owner, without the consent of the other partners or stockholders, for the taxation of which no special provision is made by law, held by persons residing in this state, either for themselves or others; the terms "personal property," shall be held to mean and include, first, every tangible thing being the subject of ownership, whether animate or inanimate, other than money, and not forming part of any parcel of real property, as hereinbefore defined; second, the capital stock, undivided profits, and all other means not forming part of the capital stock of every company, whether incorporated or unincorporated, and every share, portion, or interest in such stock, profits, or means, by whatsoever name the same may be designated, inclusive of every share or portion, right, or interest, either legal or equitable, in and to every ship, vessel, or boat, of whatsoever name or description, used or designed to be used either exclusively or partially in navigating any of the waters within or bordering on this state, whether such ship, vessel, or boat shall be within the jurisdiction of this state or elsewhere, and whether the same shall have been enrolled, registered, or licensed at any collector's office, or within any collection district in this state or not; third, the money loaned on pledge or mortgage of real estate, although a deed or other instrument may have been given for the same, if between the parties the same is considered as security merely; the term "money" or "moneys," shall be held to mean and include any surplus or undivided profits held by societies for savings or banks having no capital stock, gold and silver coin, bank-notes of solvent banks in actual possession, and every deposit which the person owning, holding in trust, or having the beneficial interest therein, is entitled to withdraw in money on demand; the term "credits," shall be held to mean the excess of the sum of all legal claims and demands, whether for money or other valuable thing, or for labor or service, due or to become due, to the person liable to pay taxes thereon, including deposits in banks or with persons in or out of this state, other than such as are held to be money, as hereinbefore defined, when added together (estimating every such claim or demand at its true value in money), over and above the sum of legal bona fide debts, owing by such person; but in making up the sum of such debts owing, there shall be taken into account no obligation

Definition of "investment in bonds" and "investments in stocks."

Definition of "personal property."

Definition of "money" or "moneys."

Definition of "credits."

to any mutual insurance company, nor any unpaid subscription to the capital stock of any joint stock company, nor any subscription for any religious, scientific, literary, or charitable purpose; nor any acknowledgment of any indebtedness, unless founded on some consideration actually received, and believed at the time of making such acknowledgment to be a full consideration therefor; nor any acknowledgment made for the purpose of diminishing the amount of credits to be listed for taxation; nor any greater amount or portion of any liability as surety than the person required to make the statement of such credits believes that such surety is in equity bound, and will be compelled to pay, or to contribute, in case there be no securities: provided, that pensions receivable from the United States shall not be held to be credits; and no person shall be required to take into account, in making up the amount of credits, a greater portion of any credits than he believes will be received or can be collected, or any greater portion of any obligation given to secure the payment of rent than the amount that shall have accrued on any lease and remain unpaid; words importing the masculine gender shall apply to females also, and the word "person," or "party," or other word importing the singular number, shall be held to include firms, companies, associations, and corporations; and all words in the plural number shall apply to single individuals, also in all cases in which the spirit and intent may require it. [O. L., vol. 75, p. 436.]

Acknowledgment of indebtedness when valid.

Equity of credits and sureties.

Pensions not liable as credits.

Use of singular and plural words.

SEC. 2. That section one (1) of chapter two (2) of this act be amended to read as follows:

Section 1. Every person of full age and sound mind shall list the personal property of which he is the owner, and all moneys in his possession, all moneys invested, loaned or otherwise controlled by him, as agent or attorney, or on account of any other person or persons, company or corporation whatsoever, and all moneys deposited subject to his order, check or draft, and all credits due from or owing from any person or persons, body corporate or politic, whether in or out of such county. All money loaned on pledge or mortgage of real estate, although a deed or other instrument may have been given for the same, if between the parties the same is considered as security merely. The property of every ward shall be listed by his guardian; of every minor child, idiot, or lunatic having no guardian, by his father, if living; if not, by his mother, if living; and if neither father nor mother be living, by the person having such property in charge; of every wife by her husband, if of sound mind; if not, by herself; of every person for whose benefit property is held in trust, by the trustee; of every estate of a deceased person, by his executor or administrator; of corporations whose assets are in the hands of receivers, by such receivers; of every company, firm, or corporation, by the president or principal accounting officer, partner, or agent thereof; and

Listing of property of every description.

Who may legally list.

all surplus or undivided profits held by any society for savings or bank having no capital stock, by the president or principal accounting officer. [O. L., vol. 75, p. 441.]

Repeal of certain sections.

SEC. 3. That section one of chapter one, and section one of chapter two of the above recited act be and the same are hereby repealed, and this act take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 7, 1879.

[House Bill No. 718.]

AN ACT

Making appropriations for deficiencies out of the asylum fund.

Appropriations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated out of any money in the treasury to the credit of the asylum fund, and not otherwise appropriated by law, the following sums, to wit:

Columbus asylum insane.

For the Columbus Asylum for the Insane:

Current expenses, twenty thousand dollars ($20,000.00).

Asylum deaf and dumb.

For Asylum for Deaf and Dumb:

Current expenses, seven thousand dollars ($7,000.00).

Longview asylum insane.

For Longview Asylum:

For the support of the colored insane, four hundred and seventy dollars ($470.00).

Asylum Imbecile youth.

For Asylum for Imbecile Youth:

Current expenses, four thousand five hundred dollars ($4,500.00).

Ordinary repairs, twelve hundred dollars ($1,200 00).

Blind asylum.

For Blind Asylum:

Current expenses, one thousand five hundred dollars ($1,500.00).

Girls' industrial home.

For Girls' Industrial Home:

Current expenses, fifteen hundrd dollars ($1,500.00).

For Ohio Penitentiary:

State penitentiary. Salaries.

Payment of guards, two thousand dollars ($2,000.00).

Improvements.

New mill and wash-house, four hundred and twenty dollars ($420.00).

Enlargement and repairs, three thousand eight hundred and forty dollars ($3,840.00).

New cells, two thousand and eighty-four dollars ($2,084 00).

For J. E. Hartman, architect, for specifications and estimates for self-supporting truss roof, fifty dollars ($50.00).

For Ohio Soldiers' and Sailors' Orphans' Home:

Orphans' home.

Current expenses, fourteen thousand dollars ($14,000.00).

For Board of State Charities:

State charities.

Current expenses, five hundred dollars ($500.00).

For Trustees of Benevolent Institutions:

Benevolent institutions.

Expenses of trustees, six hundred dollars ($600.00).

SEC. 2. This act shall take effect on its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed March 10, 1879.

[House Bill No. 735.]

AN ACT

Providing for the relief of street railroad companies in certain cases.

Making grants for street railroads.

Board of public works shall give notice of intention to grant.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where the city council of any city of the first class, having a board of public works, has heretofore established, by ordinance, a street railroad route, and declared thereby the conditions upon which a street railroad should be built and operated upon such route, and has, by such ordinance, empowered the board of public works of such city to give public notice of the intention to make a grant, and give the consent of the city to the construction of a street railroad on the route therein described, and to accept bids and award the contract for constructing and operating a street railroad upon such route, and when such board of public works has accepted a bid and awarded the contract and grant to a corporation or individual to con-

struct and operate a street railroad on such route, and the corporation or individual shall have built and put in operation, in whole or in part, a street railroad on such route then, and in all such cases, the award made by said board of public works shall be final, and held as a valid grant, and as if given by ordinance duly passed by the council of such city to that corporation, individual, or individuals as shall have acted under such award. But when such grant has been made in any manner, it shall not effect the rights of any person or persons claiming damages arising from the construction of the road or roads.

Co... as to award.

Grants not to effect rights of persons to damages.

SEC. 2. This act shall take effect and be in force from and after its passage.

Passed.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 12, 1879.

[Senate Bill No. 300.]

AN ACT

To repeal sections seven, eight, and nine, of chapter one, of title four, of the laws relating to error, mandamus, and quo warranto. (O. L., v. 75, page 805 et seq.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said sections seven, eight, and nine of said chapter and title be and the same are hereby repealed, and shall apply to pending actions.

Repeal of certain sections.

SEC. 2. This act shall take effect and be in force from and after its passage.

Passed.

JAMES E NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 12, 1879.

[House Bill No. 651.]

AN ACT

To amend section two of an act entitled "an act to require inn and boarding-house keepers to provide suitable and sufficient fire escapes," passed May 5, 1877. (O. L. vol. 74, page 176.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the above recited act be so amended as to read as follows:

Section 2. It shall be the duty of the mayor of each city, or incorporated village, to require the owner or keeper of

Mayor to request all inn keepers to provide fire escapes.

any inn or public house as described in section one of this act, to provide, within forty days after such notice shall have been given, such aforesaid ladders or fire escapes, and have the same properly placed, and convenient of access to such lodgers; and if any owner or keeper of such inn or public house shall neglect or refuse to comply with such requirements for the time specified, he or they shall forfeit not less than fifty nor more than three hundred dollars for each month he or they so failing to comply with the provisions of this act, to be recovered in the name and to the use of such town, in an action for debt.

Penalty for neglecting to comply with such request within forty days.

SEC. 2. That section two of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 21, 1879.

[House Bill No. 729.]

AN ACT

To provide for the purchase of tents for Ohio national guards.

Appropriation to pay contract for wall tents.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby appropriated, out of the general revenue fund, the sum of thirty thousand nine hundred and fourteen dollars to purchase from Frederick W. Eversman, thirteen hundred wall tents now in possession of the Ohio national guards.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 19, 1879.

[House Bill No. 477.]

AN ACT

To authorize the sale of certain lands therein named.

Description of certain lands purchased by state in 1847.

WHEREAS, In the year 1847, the state of Ohio became the purchaser of the east half and the south-west quarter of the south-west quarter of section thirty-one, township seven south, range five east, containing one hundred and twenty-six acres, part of which was submerged

in the Loramie reservoir, and in the year 1853 sold at public sale sixty-eight and seventy-hundredths acres of said land, which is now the property of John H. Myers, of Shelby county, Ohio, leaving fifty seven and thirty-hundredths acres in said quarter section the property of the state, some thirty acres of which was reported by the board of public works, May 31, 1877, to the auditor of state for sale, under the act of April 29, 1872, as amended March 1, 1877, at an appraisement of eight dollars per acre, but which land was incorrectly located and described by the surveyor employed by said board, and was not, therefore, offered for sale by the auditor of state; and,

Land incorrectly surveyed.

WHEREAS, Said John H. Myers desires to become the purchaser of said land, so belonging to the state, as may be above top water mark in the reservoir; therefore,

Competent surveyor to ascertain how much land not covered by water is owned by the state.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works are hereby authorized and required to ascertain how many acres, if any, of the land belonging to the state in said quarter section, and not covered by water, and for which purpose said board are authorized to employ a competent surveyor.

Authorizing the sale of such land as may be reported to be the property of the state.

SEC. 2. That so soon as the result of said survey shall be reported to the auditor of state (which report shall be made within sixty days from the passage of this act), he shall, if there be found any lands not submerged in said quarter section, and if the board of public works after consulting with the engineer, believe that said land is not necessary to the state, be authorized to sell the same to the highest and best bidder, either at public or private sale, at not less than the appraised value, the appraisers to be appointed, one by the board, one by said John H. Myers, and the third by the two thus chosen; one-fourth of the purchase money shall be paid on the day of sale, the balance in three equal annual payments, with interest at six per cent. payable annually, and the auditor of state shall give to said purchaser a certificate of pufchase.

Appointment of appraisers.

Terms of sale.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 21, 1879.

[Senate Bill No. 275.]

AN ACT

To authorize the election of one additional judge of the court of common pleas, in the first subdivision of the second judicial district of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the second judicial district of the state of

Authorizing the election of one additional judge of common pleas.

Ohio there shall be one additional judge of the court of common pleas, who shall be a resident of the first subdivision of said district, composed of the counties of Butler, Preble, Montgomery, and Darke, to be elected by the qualified voters of said counties as herein provided.

Time of election and term of office fixed.

SEC 2. That the election for said additional judge shall be held on the first Monday in April, 1879, and his term of office shall commence on the second Monday in May, 1879, and shall continue five years.

Sheriff to proclaim time and place of election.

SEC. 3. That it shall be the duty of the sheriff in each county in said subdivision, at least eight days prior to the first Monday of April hereafter in each year, when an election for such additional judge is to be held, to give notice by proclamation of the time and place of holding such election, which shall be conducted, and the returns thereof made, in the same manner as required by law in case of the election of other judges of the court of common pleas, except that the abstract and certificate of the election shall be transmitted by the clerk of the court of common pleas of Montgomery county to the secretary of state, who shall certify the same to the governor, and thereupon the governor shall issue a commission to the person elected such judge.

As to who shall transmit abstract and certificate of election.

Fixing salary, duties, and penalties.

SEC. 4. The said additonal judge shall receive the same salary as other judges of the court of common pleas, and when elected and qualified, he shall have the same powers and jurisdiction, and be liable to the same penalties that are now or may hereafter be conferred and enjoined by the constitution and laws of this state upon other judges of said court, and any vacancy that may occur in the office of such additional judge, by death, resignation, or otherwise, shall be filled as in other cases of vacancy in the office of judge of said court.

Same mode of filling vacancy as in the case of regular judges.

SEC. 5. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 21, 1879.

[House Bill No. 198.]

AN ACT

To amend section one of an act entitled "an act concerning notaries public, and commissioners, and prescribing their duties," passed March 13, 1856. [S. & C., p. 872.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the act entitled "an act concerning notaries public, and commissioners, and pre-

scribing their duties," passed March 13, 1856, be amended so as to read as follows:

Power of the governor to appoint notaries public.

Section 1. That the governor be and he is hereby authorized to appoint and commission, as notaries public, as many persons, male or female, who are citizens of this state, residing in the several counties for which they are appointed, as he may deem necessary: provided, that before making any such appointment, there shall be produced to the governor, by each applicant, a certificate from a judge of the court of common pleas, or supreme court, residing in the same county or district, that the applicant is of good moral character, a citizen of the county in which he or she resides, and possessed of sufficient qualifications and ability to discharge the duties of the office of notary public.

Qualifications required of an applicant for notary public.

SEC. 2. That original section one of the above entitled act is hereby repealed.

SEC. 3. This act shall take effect on its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed March 22, 1879.

[Senate Bill No. 285.]

AN ACT

To authorize the purchase of additional fair grounds for the use of county agricultural societies in certain cases, and to repeal a certain act herein named. [O. L. Vol. 68, page 89]

Relating to fair grounds and purchase thereof.

SECTION 1 *Be it enacted by the General Assembly of the State of Ohio*, That when any county agricultural society, in any county of this state containing a city of the first class, with a population of two hundred thousand inhabitants, or more, shall deem it necessary to purchase additional fair grounds for the use of any such agricultural society, the board of directors of such county agricultural society shall notify the county commissioners, in writing, of such desire to purchase additional fair grounds, within thirty (30) days from the passage of a resolution as hereinafter specified, which notice shall contain a certified copy of this recorded resolution of said board of directors, passed at a general meeting of the said board of directors, by a vote of at least two-thirds of all the members elected thereto, upon a call of the yeas and nays, setting forth the reasons in favor of the proposed purchase of additional grounds, the location, number of acres, with a plat thereof, and conditions of payment for the same; and upon the filing of such notice and the resolution, as herein provided, with the county commissioners, signed by the president and secretary of such county agricultural society, the county commissioners, i satisfied that the

Powers of county commissioners.

proposed purchase of additional grounds would be for the benefit of such agricultural society, and for the interest of the county, are hereby empowered and authorized to purchase, within thirty days from the filing of such notice with the county commissioners, such additional grounds, upon the terms and conditions as shall be set forth in such recorded resolution, and may improve the same under the direction of the said county agricultural society, at a total cost not exceeding fifteen thousand dollars ($15,000.)

Conditions and costs.

Provisions for payment of additional grounds.

SEC. 2. That in order to meet the payment for such additional grounds and the improvements thereof, the county commissioners are hereby empowered and authorized to make such payments as may be necessary to complete the purchase from any unappropriated funds in the county treasury, at the time said payments are to be made, or if no such funds are in the county treasury at the time said payments are to be made, the said county commissioners are hereby authorized and directed to issue the bonds of the county, for the full payment of the said additional grounds so purchased under this act according to the terms of the purchase thereof, bearing legal interest and payable at the office of the county treasurer at a time or times not exceeding five (5) years from the date thereof: provided, however, that the sum so taken be paid for the purchase of additional fair grounds, and the erection of improvements thereon shall not exceed the sum of fifteen thousand dollars ($15,000.00) in the aggregate.

Issuance of bonds.

Regulating the time and interest of payment.

County commissioners empowered to levy assessments on taxable property.

SEC. 3 That in order to provide means to carry out the provisions of the preceding section of this act, and to meet the bonds therein authorized to be issued, the county commissioners of any such county are hereby empowered and directed to levy such annual assessment or taxes on all the taxable property of the county, as will provide the amount of money required to meet the payment for such purchase according to the terms thereof, and to meet the payment of any bonds that may be so issued, with interest; and said assessments or taxes shall be collected and accounted for as other county taxes, by the proper county officers.

Title and control of lands and improvements.

SEC. 4. That while the title to the grounds so purchased shall be vested in the county commissioners for the use and benefit of any such county, the control and management of the lands, and the improvements therein erected shall be vested absolutely in the board of directors of such county agricultural society, and no change of name or other cause shall ever interfere in any manner with the control of the property or the management thereof, so long as a county agricultural society is governed by the rules and regulations of the Ohio state board of agriculture.

Rules of government.

Previous act repealed.

SEC. 5. That the act entitled "an act to authorize the sale of fair grounds of county agricultural societies, and the purchase of other grounds in certain cases," passed April 2.),

1871 (O. L., vol. 68, page 89) be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 22, 1879.

[Senate Bill No. 264.]

AN ACT

To amend section five, of chapter two, of division three, of an act to amend, revise, and consolidate the statutes relating to municipal corporations, to be known as title twelve, part one, of an act to revise and consolidate the general statutes of Ohio, passed May 14, 1878. (Vol. 75, O. L., page 192.)

Municipal corporations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five, of chapter two, of division three, of the act relating to municipal corporations, be so amended as to read as follows:

Boards of aldermen.

Section 5. In cities of the first grade of the first class in which six members of the board of aldermen were heretofore elected in each district, those in the odd numbered districts to serve for four years, and those in the even numbered districts to serve for two years; hereafter at the expiration of the terms of such members, six members shall be elected to serve for the period of four years in each district.

Term of service in odd and even numbered districts.

Section repealed.

SEC. 2. That section five, of chapter two, of division three, of the said act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 25, 1879.

[Senate Bill No. 208.]

AN ACT

To amend section twenty-eight of an act entitled "an act relating to roads and highways," as amended March 28, 1878. (O. L., vol. 75, page 83.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said section twenty-eight be amended so as to read as follows:

Compensation of supervisors.

Section 28. That each supervisor shall receive for his services pay at a rate not exceeding one dollar and fifty cents per day for the time he is actually employed on the roads: provided, that no supervisor shall be allowed in any one year a sum exceeding twelve dollars, in addition to the commutation for his two days' labor on the roads, provided for in this act, when the number of persons in his district, liable to do work on the public highway, do not exceed twenty-five; and any supervisor having more than twenty-five and less than thirty-five persons in his district, liable to do work on the public highway, shall receive for his services not exceeding one dollar and fifty cents per day for the time he is actually emyloyed on the roads, but shall not receive more than sixteen dollars in any one year; and any supervisor having more than thirty-five and less than fifty persons in his district, liable to do work on the public highway, shall receive for his services not exceeding one dollar and fifty cents per day for the time he is actually employed on the roads, but shall not receive more than twenty-five dollars in any one year; any supervisor having more than fifty persons in his district, liable to work on the public highway, shall receive for his services not exceeding one dollar and fifty cents per day for the time he is actually employed on the roads, but shall not receive more than thirty-five dollars in any one year: provided, that any supervisor that is required by any law of the state to repair a turnpike road, or any part thereof, shall be allowed not exceeding eight per cent. for the amount of the labor performed under his direction as supervisor, repairing such turnpike, or working out the road tax in his district, but in no case shall he receive more than one dollar and fifty cents per day.

Compensation regulated by number of persons in district.

Proviso.

SEC. 2. That section twenty-eight of the act to which this is an amendment, be and the same is hereby repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 25, 1879.

[House Bill No. 575.]

AN ACT

Supplementary to an act entitled "an act supplementary to an act entitled an act supplementary to an act entitled an act to provide for the organization and government of municipal corporations, passed April 27, 1872," passed April 6, 1876.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any municipal corporation, which

by the authority of the act or acts to which this is supplementary, has erected any viaduct, or bridge, across or over any valley, ravine, river or water-course, may, at the discretion of said council, notwithstanding any former submission of the question pursuant to the act to which this is supplementary, or vote thereon had, submit to the qualified electors of such municipality, at its next regular election after the passage of this act, the question whether toll shall be collected for passing over and across such viaduct or bridge; and if a majority of the votes cast at such election be in favor of collecting such tolls, then it is hereby made the duty of such council to provide, by ordinance, for the collection of such toll, prescribing the rate and manner and condition of collection; and all moneys so collected, after deducting the cost of collection, shall be applied in payment of the interest on the bonds issued by authority of the act or acts to which this is supplementary, and to no other purpose.

Council of municipal corporations to submit next regular election bridge and viaduct toll.

Ordinance for toll collection.

Disposition of toll moneys.

SEC. 2. This act shall be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 26, 1879.

[House Bill No. 737.]

AN ACT

Making appropriations for deficiencies, which are payable out of the general revenue fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there is hereby appropriated out of any money in the treasury to the credit of the general revenue fund, the following sums, to wit:

Appropriations.

For Adjutant-General's Office:

For uniforms of Ohio national guards, forty-five hundred and twenty- eight dollars ($4,528.00). Uniforms.

Expenses of said guards while in camp, forty-one hundred and eighty-five dollars ($4,185.00). Camp expenses.

Expenses of batteries (vol. 73, 179), four hundred and seventy-one dollars ($471.00). Batteries.

For Adjutant-Genreal—Capitol:

Care of capitol grounds, eleven hundred and seventy-eight dollars ($1,178.00). Capitol grounds.

Wages of employés, seventeen hundred and ten dollars ($1,710.00). Employés.

Heating apparatus, sixteen hundred dollars ($1,600.00).

For Auditor of State:

Auditor of state. For clerk of public works account, to be paid out of the canal fund, two hundred and twenty-five dollars ($225.00).

For Commissioner State Common Schools:

State schools—clerk's salary. Payment of clerks, twelve dollars ($12.00).

For Secretary of State:

Secretary of state—room repairs. Repairs of room No. 88, thirty-three dollars and twenty-seven cents ($33 27).

For Supervisor Public Printing:

Supervisor public printing—state binding. State binding, twenty-five hundred dollars ($2,500.00).

For completing volume three, geology, twenty-eight hundred dollars ($2.800,00).

Revisory commission. For commissions to revise the laws; per diem of commissioners, two thousand and three hundred dollars ($2,300.00).

Payment of clerks. For pay of clerks, sixteen hundred and fifty-two dollars ($1,652.00).

SEC. 2. This act shall take effect on its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 27, 1879.

[Senate Bill No. 257.]

Prescribing the rate of state taxes, and to repeal an act therein named. (O. L., vol. 73, p. 114.)

Tax on valuation of taxable property. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be levied, annually, taxes for state purposes, on each dollar of valuation of taxable property, as follows:

Penal and reformatory institutions. For general revenue purposes, being the expenses of the state, the benevolent, charitable, penal, and reformatory institutions, for the payment of such other charges as may be made by law, and for re-imbursing to the sinking fund such sums as have been transferred from that fund one mill and four-tenths of one mill, the same to be styled the "revenue fund."

"Revenue fund."

Funded debt of state. For the payment of interest, and the constitutional reduction of the principal of the public funded debt of the state, five-tenths of one mill, said fund to be styled the "sinking fund."

Common schools. For the support of common schools, one mill, said fund to be styled the "state common school fund."

Transferable funds.

SEC. 2. That all moneys in the treasury to the credit of the asylum fund shall be transferred to the credit of the revenue fund.

Repeal of tax act.

SEC. 3. That the act "prescribing the rate of state taxes, and to repeal an act herein named," passed April 6, 1876, be and the same is hereby repealed.

SEC. 4. This act shall take effect from its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed March 26, 1879.

[House Bill No. 839.]

AN ACT

Supplementary to "an act to authorize township trustees of any township in this state to levy a tax for purchasing a hearse and erecting a vault," passed March 14, 1878. [Vol. 75, pp. 46.]

Township trustees may issue bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when a tax for erecting a vault, under the act to which this is supplementary, has been voted in any township, the trustees thereof may, in anticipation of such tax, issue their township bonds in aggregate amount not exceeding the tax voted, of denomination not less than fifty dollars, bearing interest not exceeding six per cent., and payable not later than four years from date, not to be sold below par, and the proceeds to be used solely for construction of such vault; bonds to be repaid from the tax voted when collected, to be signed by the trustees and countersigned by the township clerk.

Bond payable in four years used only for vault.

Mode of redemption.

SEC. 2. This act shall take effect and be in force on and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed March 31, 1879.

[House Bill No. 705]

AN ACT

To authorize the commissioners of certain counties to locate and construct turnpike roads.

County commissioners may appoint five freeholders to survey and locate turnpike roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all counties having a population, at the last federal census, of not less than 29,130, and not more than 29,135, the county commissioners, when they become satisfied that the public interests of their county demand and justify special action for the improvement of the roads therein,

may appoint five disinterested freeholders of their county as commissioners to view, survey, and locate one or more roads, beginning at and leading from the county seat of the county, or such other and eligible points as may be deemed proper, and running by such direct and eligible route as they may find best for the public convenience, and terminating at any point within or at the county line; but they are not required to construct or maintain any such road within the corporate limits of any town in said county.

Towns exempted.

Rules governing the construction of roads.

SEC. 2. The roads established and constructed under this act shall be opened not more than sixty nor less than thirty feet wide, and at least eighteen feet in width shall be graded so as to drain freely to the sides, and macadamized with stone or gravel, not less than ten nor more than sixteen feet in width, nor less than ten inches thick in the center, and not less than six inches thick at the side; in no case shall the grade of ascent or descent on the road be greater than seven degrees; the road shall be well provided with all necessary side drains, and with substantial bridges or culverts, and such roads shall be free to the public for travel, and kept in repair by the laws in force for keeping in repair free turnpike roads by the county commissioners.

Free travel to public.

Employment of surveyor.

SEC. 3. The county commissioners may authorize the commissioners by them appointed to call to their assistance a competent surveyor or civil engineer, or both, at their discretion, with the necessary and proper assistants, and to lay out, survey, and locate such turnpike road, through, or upon any improved or unimproved lands, or the best route between the points of beginning and termination, and to obtain by grant, or take proposals for the purchase from the owners of land over which the road will pass, the right of way, and to take timber and other materials necessary to the construction of same.

Commissioners empowered to obtain right of way.

Failure to agree on compensation, legal proceedings may be instituted in name of county commissioners.

SEC. 4. When said commissioners and the owners fail to agree as to the amount of compensation, or when the owner is unknown, non-resident, or incapable of contracting, then the same shall be ascertained and adjusted by proceedings had in the name of the county commissioners, under the law providing for the appropriation of private property by corporations, and the commisssoners may authorize the viewers, or commissioners by them appointed, to locate the road upon the whole or any part of any state, county, or township road heretofore laid out and established within the county, and to widen, alter, change, or vacate the same or any part thereof, subject to the rules as to compensation for property appropriated as aforesaid.

SEC. 5. Before determining upon the location or establishment of any such turnpike road, the county commissioners may require donations of money and written agreements on the part of tax-payers of the county subjecting their taxable property to taxation, annually, to aid in the location and construction of the same during the term of years

named therein, and at the rate therein specified, which agreements shall be filed and recorded in the office of the county auditor, and from the time of such filing and recording shall operate as a lien upon the real estate of the several parties joining therein as donors for the purpose therein provided; or in lieu thereof the said county commissioners may require said donors or land owners along said roads to complete the grading and construction culverts on said turnpike roads; all revenues derived from donations in money and taxation shall be kept and held as a separate fund in the county treasury, and shall be applicable only to the purposes of locating and constructing such turnpike roads, and if the commissioners determine not to establish and construct such road, then any money received as donations shall be refunded, and the agreements for donations by taxation shall become inoperative.

Discretionary powers of commissioners in obtaining tax-payers' written agreements.

Residents on line of road to complete grading and curving.

Money collected kept in separate fund.

May be refunded.

SEC. 6. Upon the location and establishment of any such turnpike road by the county commissioners, they may, for the purpose of aiding in the construction thereof, levy annually, in addition to other road taxes authorized by law, a tax for turnpike road purposes of not more than two (2) mills on the dollar of valuation, on the grand duplicate of taxable property in the county, and to continue such levy from year to year until the road or roads which have been commenced are completed.

Annual levy for turnpike roads.

SEC. 7. No such taxes shall be levied on any lands which have been heretofore assessed for the construction of any free turnpikes or improved road or roads, already constructed, or in the course of construction, at the time of the levy of the tax, unless the amount that would be ratably levied upon such lands exceed the amount of such assessment, and in such case such excess only shall be levied and collected; and for the purpose of raising the money necessary to meet the expenses of such improvement, the county commissioners may, if, in their opinion, the same be advisable, issue the bonds of the county, payable at such times as they may deem advisable, with interest not exceeding six per centum per annum, payable semi-annually, and which bonds shall not be sold for less than their par value.

Where exemption of lands previously assessed is allowed.

Additional revenues by issue of bonds.

SEC. 8. The commissioners shall cause to be kept by the county auditor a full record of all the proceedings in the location, establishment, and construction of the road, together with accurate accounts of receipts and expenditures of money under the provisions of this act; and no money shall be drawn from the treasury except to pay liabilities already accrued, and then only in the pursuance of orders issued by the commissioners whilst in session as a board, to be entered upon the record of their proceedings, and by orders drawn by the county auditor upon the county treasurer, in favor of the persons to whom such money is due.

Record of receipts and expenditures by auditor.

Money expended only for road purposes.

SEC. 9. The work of the construction of such roads shall be let publicly by the county commissioners, to the lowest

Manner of letting bids.

responsible bidder, after due notice given of such letting by publication in one or more newspapers published or of general circulation in the county, or by hand-bills, or both. For that purpose the commissioners shall cause the same to be divided into convenient sections, and each section numbered, and shall let the same by sections, with proper specifications of the various kinds of labor required on each section, and bidders shall be required to separately state their bids for each class of work, in such manner as the commissioners may provide; and each contractor shall be required to give bond, with sufficient sureties for the performance of his contract, payable to the county commissioners, for the use and benefit of the county, and with the necessary specifications and stipulations on the part of the contractor entered therein.

Bidders required to specify on work and furnish bonds.

Where work shall begin.

Certificate of work performed.

Payment.

SEC. 10. In all cases the construction of such roads shall commence at the point of beginning, and no payment for work or material shall be made except upon estimates made by the surveyor or engineer employed by the commissioners, and by him duly certified, of work actually done or materials actually furnished, or both, and, after reserving such per cent. as may be fixed by the parties to the contract, to guarantee performance of the same.

Compensation of officials.

SEC. 11. The viewers, surveyor, or engineer, and their assistants, shall be entitled to receive the same compensation for their services required under the provisions of this act as is now allowed by law in the construction of state or county roads.

SEC. 12. This act shall take effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 20, 1879.

[House Bill No. 688.]

AN ACT

To amend the act of April 11, 1878, entitled "an act regarding the maintenance and repair of streets, alleys, etc., in cities of the first class, having a population of more than one hundred and fifty thousand inhabitants at the last federal census. [O. L., vol. 73, page 212.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two (2) of the above recited act be so amended as to read as follows:

Board to advertise for sealed proposals.

Section 2. Immediately after the division of said cities as aforesaid, the board may cause to be advertised for ten days, in some newspaper of general circulation within said city, an invitation for sealed proposals for maintaining, furnishing materials, and for repairing and keeping in good order

each avenue, street, alley, wharf, market space, and court within said district, in said cities, belonging to the several districts, at a stated sum per annum, for each and every year, for a term not exceeding five years from the date of contract, with the same or similar material with which said avenue, street, alley, wharf, market space, and court may have heretofore been paved or improved, unless it shall otherwise be determined by said board as hereinafter provided.

The repair and maintenance of streets, avenues, and market spaces.

Term of contract not to exceed five years.

SEC. 2. That section four (4) of said act be so amended as to read as follows:

Section 4. Each person, firm, or body shall enclose with their bid, a bond in the sum of one thousand dollars, to be signed by themselves and two freeholders, and to be approved by the board of public works, to the effect that if said contract is awarded them, that they will accept and comply with the terms thereof, and unless such bond accompany said bid, the same shall not be entertained by said board, and said board may, in addition thereto, require from said contractors such other bond or bonds as they may deem best, conditioned for the faithful performance of said contract, and said contract may be awarded to the lowest and best bidder therefor, but said board may reject any and all bids, and so doing may re-advertise at once for more proposals.

Amount and conditions of bond.

Board may demand additional security.

Board reject bids, may re-advertise.

SEC. 3. That section six (6) of said act be so amended as to read as follows:

Section 6. Should any of said contractors fail to keep and perform the contracts made, or should the same be abandoned, the said board shall cancel the same, and thereafter the said contract may be re-let, in manner and form as hereinafter provided, for the unexpired portion of said contract: provided, however, that such board may, if they deem it advisable, purchase such materials and employ such laborers and other employés as they may deem necessary, under the provisions of this act, to make the needed repairs, and shall fix their compensation therefor, the same to be paid upon warrant to the city auditor, and a pay-roll in triplicate, one to be filed with the city auditor, one with the city treasurer, and one in the office of the board of public works, said pay-roll to be certified to by the president, and attested by the clerk of said board; but in no case shall the expenditures under the provisions of this section exceed the amount called for by the contracts now in existence, nor be so expended as to interfere with the prompt payment of contractors, as hereinafter provided, but council may, in its discretion, provide means from the general fund for the maintenance and repair of such streets, lanes, alleys, etc., as may come under the provisions of this act by reason of improvements or extension of the corporate limits

On failure to perform contracts, board may cancel same.

Board may re-let or employ workmen.

Total compensation of laborers not to exceed original contract price.

Council discretion in corporate limits.

SEC. 4. That section eight (8) of said act be so amended as to read as follows:

Section 8. At the time of making annual estimates, it shall be the duty of said board to make a separate estimate

Street repairs separate.

Council levy tax sufficient to cover repairs.

Fund not transferrable.

of the amount required for the payment to said contractors, as well as the amount that may be needed, as heretofore provided, which estimate shall be separately certified to the common council of said city, and the said council shall thereupon, at the time the same is annually made by it, provide a levy upon all the taxable property within said city sufficient to cover such estimate, and when the same shall have been collected, it shall be paid to the credit of the fund to be called the street repairing fund, and shall be thereafter kept in said fund, and shall not be transferred, paid out, or used for any other purpose whatsoever than hereinbefore provided.

SEC. 5. That section nine (9) of said act be so amended as to read as follows:

Where board shall cancel part of contract upon passage of an ordinance to improve.

Board may award unexpired contract.

Original contractor privileged to retake at lowest bid.

Rights and liabilities under existing contracts.

Section 9. Upon the passage of an ordinance to improve any of said avenues, streets, alleys, market spaces, wharves, and courts, the said board shall cancel the said contract, in so far as it may apply to the repair of said street, avenue, alley, wharf, market spaces, and courts ordered to be improved, but such construction shall affect no other portion of said contract, and after the same shall have been improved, the maintenance and repair thereof and material therefor may be awarded to the lowest and best bidder therefor for the unexpired portion of said term of five years, and in the manner and under the same conditions as provided hereinbefore for the letting of districts: provided, that the contractor for the district in which such improvement shall be made shall be privileged first to make contract therefor at the price fixed by the lowest bid: provided, that if the said board of public works deem it for the public good, they may place the same back upon the contract at the price fixed in the former bid, or said board may, if deemed best, have the work done themselves: provided, however, that nothing herein contained shall alter rights or liabilities under existing contracts.

SEC. 6. That sections two (2), four (4), six (6), eight (8), and nine (9) of said act be and the same is hereby repealed.

SEC. 7. This act shall take effect from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed March 31, 1879.

[Senate Bill No. 231.]

AN ACT

Supplementary to an act to amend an act to amend an act to authorize the making of real estate indexes, and to further prescribe the duties of county commissioners and recorders in certain counties, passed March 20, 1862; passed April 17, 1867, Sayler, page 1422.

Requiring a record of anything affecting the title to rea estate.

Official fees for recording.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all counties where the real estate indexes and abstracts are made by lots or sections, or subdivisions thereof, as provided for in the above mentioned act, it shall be the duty of the recorder of each county wherein the same are kept, to enter thereon, according to the original design as they are recorded, every conveyance or incumbrance, lease, lien, or contract, affecting the title to real property, and such recorder shall be entitled to receive for such entry, for each description indexed, the sum of five cents, to be paid by the party having such instrument recorded.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed March 31, 1879.

[Senate Bill No. 249]

AN ACT

Supplementary to an act entitled "an act to amend an act to provide for the sale of the property of corporations, and to repeal sections one and two of an act to amend the act entitled an act for the regulation of turnpike companies," passed February 8, 1826.

Execution on judgments against owners of turn pike, plank roads, and bridges.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where any judgment has heretofore been rendered against any turnpike, plank-road, or bridge company in this state, which shall remain unsatisfied for ten days after the taking effect of this act, and in all cases where a judgment shall hereafter be rendered against any such company, which shall remain unsatisfied for ten days after the rendition thereof, it shall be lawful to issue execution thereon against the goods and chattels of such company, which shall be levied upon and sold as in other cases; if sufficient goods and chattels cannot be found to satisfy such execution, then it shall be lawful for the officers holding such execution of the judgment creditor so direct to levy upon the right of such company to take toll at any gate or gates of such company within the jurisdiction of such officer, which right he shall advertise and sell as personal property; and the person who will pay the amount due upon

Lawful to levy on company's toll rights.

such execution for the right of using any such gate or gates, and of taking toll at the same, for the shortest time, shall be the purchaser: provided, nothing herein contained shall be so construed as to deprive such company from the same right to give bail for stay of execution within the same time after the rendition of any judgment that an individual might have.

Bond for stay of execution.

Certificate empowering purchaser to collect toll.

SEC. 2. That the officer making sale of the right to take toll at any gate, as aforesaid, shall give to the purchaser a certificate thereof, which certificate shall be sufficient to authorize the purchaser to take possession of any such gate, and to hold the same during the time for which the same were sold; and the person so purchasing, as aforesaid, shall have the full right to demand and receive the same toll of and from all passengers passing through any such gate which shall have been established and posted up by such company according to law; and during the possession thereof, such purchaser, or his agent, shall conform to all the rules, regulations, and contracts of such company, in the same manner as required of the gatherers of toll of such company, excepting that such purchaser shall hold for his own use, all tolls collected at any such gate, for and during the time for which such purchaser purchased the same; and such purchaser shall keep such part of said road in as good repair, so long as he holds the same under such contract, as when possession was taken thereof, ordinary wear of travel excepted.

Purchaser observe same rules as original owner.

Hold all tolls collected.

Shall keep road in good repair.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JAMES W. OWENS,
President pro tem of the Senate.

Passed March 31, 1879.

[House Bill No. 728.]

AN ACT

To amend sections two and three of an act "to authorize boards of education, in certain cities, to appoint library committees, and levy a tax for school purposes," passed April 8, 1878. Vol. 75, p. 101.

Library committees for schools.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections two (2) and three (3) of an act entitled "an act to authorize boards of education, in certain cities, to appoint library committees, and levy tax for school purposes," be so amended as to read as follows:

Duties and powers of committees.

Section 2. Such committee shall report in writing to such board at least once each year, and oftener if required by such board, and shall have entire charge and control of the public or school library belonging to such city; and shall have full power to make all rules and regulations for the

government and regulation of such library; to employ a librarian and such assistants and help as may be needed for the care and protection of such library, and to attend to the drawing and return of books: provided, however, that the salary of such librarian, and rate of compensation of such assistants and help, shall be fixed by such library committee, by resolution, prior to such employment.

Librarian and assistant's salary to be fixed prior to employment.

Section 3. That for the purpose of increasing and maintaining school libraries in cities mentioned in section one of this act, and the territory thereto attached for school purposes, such library committee in such cities is authorized to annually levy a tax of two and one-half tenths of a mill on the dollar valuation of the taxable property of such cities aforesaid, and the territory thereto attached for school purposes, to be assessed, collected, and paid in the same manner as are the school taxes of such cities, and all money appropriated or collected by tax for such library, shall be expended under the direction of said library committee in the purchase of such books, pamphlets, papers, magazines, periodicals, and journals as may be deemed suitable for the public school library, and in payment of all other costs and charges, including the salaries of the librarian and assistants, that may be incurred in maintaining said libraries, the bills and pay-rolls for which said expenditures shall, upon the order of the library committee, be certified by the chairman and secretary of such committee, and paid by the treasurer of said city, from such library fund.

Maintainence of school libraries.

Committee authorized to levy tax.

Mode of assessment.

Purchase of books, magazines, etc.

Manner of paying claims and salaries.

Sec. 2. That section two (2) and three (3) of the above recited act be and the same are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 1, 1879.

[Senate Bill No. 334.]

AN ACT

To authorize the board of county commissioners of certain counties to make contracts for the repair of court houses injured by fire, and to issue and sell bonds for the payment of the costs and expenses of such repairs, and to levy taxes to pay such bonds.

Section 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of any county containing a population, according to the last federal census, of thirty-five thousand seven hundred and fifty-six (35,756), in which the court house has been injured by fire, whenever in the judgment of such board the public necessi-

Where commissioners of certain counties can contract for repair and completion of court house.

ties require it, are hereby authorized and empowered to enter into a contract or contracts for the repair and completion of such court house, without submitting the question of the policy of such repairs to the qualified electors of such county: provided, that such contract or contracts shall not be made or entered into until at least twenty days' notice shall have been given in each of the newspapers published in such county, that proposals or bids shall be received for the performance of the work, and furnishing the materials necessary therefor; and, provided further, that before giving such notice, the said board shall procure proper plans and specifications, and estimates of the work and materials necessary for such repairs to be made, which plans and specifications shall be accessible to all bidders, who shall be required to conform their proposals to such plans and specifications.

Proviso.

Commissioners shall open bids.

Lowest bidder to be awarded contract.

Contractor to give bond.

If contractor fail to give bond within specified time, contract shall be awarded to next lowest bidder.

Commissioners to issue bonds.

Rate of interest.

Commissioners to sell bonds.

SEC. 2. That said board of county commissioners shall, on the day appointed, proceed to open all the bids, and shall thereupon let the contract for such work and materials as a whole, or in parts, as to them may seem fit, to the lowest and best responsible bidder or bidders (the judgment therein of said board, or a majority of the members thereof, to be final as to who the lowest and best responsible bidder or bidders may be), upon said bidder or bidders entering into the proper contract in that behalf, and giving bond to the county in such an amount, and with sureties to be approved by said board, that the work shall be faithfully per ormed, and the materials shall be honestly delivered, according to such bid or bids, and the plans and specifications; and upon the failure of such successful bidder or bidders, within a reasonable time, to be fixed by said board, to make such contract, and enter into such bond, with the security aforesaid, then the contract may be made with the next lowest and best responsible bidder, upon the same conditions and limitations, and so on, until the contract is made with the bidder or bidders who will undertake the same, giving bond and security therefor, at the lowest prices and in the best manner.

SEC. 3. That the board of county commissioners of such county, for the execution of the objects stated in the first section of this act, are hereby authorized to issue bonds for such sum of money as may be necessary for such repairs and completion over and above insurance money, and in such sums not less than fifty and not more than one thousand dollars each, bearing interest not exceeding seven per cent. per annum, and payable semi-annually at the county treasury by the treasurer of the county, on the order of the county auditor, the principal of such bonds to be payable at said treasury by the treasurer, on the order of the county auditor, at such times, not exceeding seven years, as the said commissioners may prescribe; and said commissioners are also hereby authorized to sell such bonds, at not less than par, to the highest bidder or bidders, after giving twenty days' notice

of such sale in the newspapers published in the county, and in such other places as to them may seem fit. The interest on all of said bonds shall become due and payable at the same date, and the first payment of interest on any such bond shall be for such portion of the six months as may have elapsed from the date of the sale thereof and the time specified therein for the first payment of interest thereafter. The said bonds shall be sighed by the commissioners, or any two of them, and be countersigned by the county auditor of the county, and shall each distinctly specify the object for which they are issued.

When interest shall become due.

How bonds shall be signed.

SEC. 4. The commissioners shall annually at their June session levy such an amount of taxes as will pay the interest on such bonds, and at least one-seventh of the principal thereof, and until such taxes for interest are collected, may pay the interest accruing on such bonds out of the general county fund, to be replaced on the collection of such interest taxes.

Commissioners to levy tax for payment of interest, etc.

SEC. 5. If the commissioners shall refuse or neglect to levy such taxes regularly as herein provided, it is hereby made the duty of the county auditor to levy such annual tax upon the taxable property of the county, and place the same upon the duplicate; and all taxes levied and collected under the provisions of this act shall be applied to the specific object for which they are levied and none other.

When commissioners neglect to levy the tax it shall be the duty of the auditor to do so.

SEC. 6 All bonds issued under the provisions of this act, shall be correctly numbered in the order in which they are issued, and shall be registered by the county auditor, in a book by him provided and kept in his office; and all orders drawn upon the treasurer of the county for the payment of the principal and interest of such bonds shall specify the bond on which they are drawn; and the county auditor shall, upon delivering to the holder of said bond and order on the treasurer for the redemption thereof, receive such bond and forthwith write across the face of the same in red ink, the word "redeemed," and sign his name thereto; the treasurer upon receiving such order, which shall contain the number of the bond for the redemption of which it is drawn, shall proceed forthwith to the office of the auditor, and there, in the presence of the auditor, write in red ink across the registry of such bond, the word "redeemed," with the proper date, and sign his name thereto, whereupon the auditor shall deliver to him the original bond, for which he shall be credited in his semi-annual settlements with the auditor and commissioners.

Numbering and registering bonds.

Orders drawn on treasurer to be specific.

Redemption of bonds.

SEC. 7. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed April 2, 1879.

[Senate Bill No. 201.]

AN ACT

Creating the office of criminal bailiff, and to prescribe his duties in counties of the first class having a population of one hundred and eighty thousand and upwards

Whereas.

WHEREAS, For the due, speedy, and proper administration of justice in counties having a population of one hundred and eighty thousand and upwards, that there shall be a criminal bailiff therein; therefore,

Appointment of a criminal bailiff.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all counties having a population of one hundred and eighty thousand and upwards at the last federal census; the judge of the court of common pleas who may preside in the criminal department of said court at the time of the passage of this act, shall within twenty days after the passage of this act, appoint a criminal bailiff for such county, who shall hold his office for the term of two years, and until his successor is appointed and qualified.

Term of office.

Duties of criminal bailiff.

SEC. 2. It shall be the duty of said criminal bailiff to act for the sheriff in all criminal cases and matters of a criminal nature in the common pleas and probate courts of said county. He shall be present during all trials of criminal cases in said courts, under the direction of the sheriff, and shall perform all the duties during such trials as are now or may be performed by the sheriff of such counties; said criminal bailiff shall conduct all prisoners to and from the jail of such counties, and for such purpose shall have access to the same, and to the court-room, whenever ordered by said courts, and he shall have care and charge of such prisoners when so doing. It shall be the duty of said criminal bailiff, under the direction of the sheriff, to convey all persons, convicted of criminal offenses, made punishable with imprisonment in the penitentiary, thereto; and he shall receive and collect from the state treasurer all amounts as costs in said criminal cases, in the same manner as the sheriff of such county by law is now required to do, and the amount so collected shall be paid by said criminal bailiff to the sheriff of said county.

When additional bailiff may be appointed.

SEC. 3. Whenever in any criminal case on the application of the sheriff, a court shall be satisfied that the administration of justice requires additional bailiff to execute the process, the court shall have power to appoint such additional bailiff as, in its discretion, may be necessary: but their powers and duties shall cease when such case is determined.

Bailiff to give bond.

SEC. 4. Such criminal bailiff shall, before entering upon the discharge of his duties, qualify, by giving a bond to the sheriff of such county, with good and sufficient sureties, in the sum of $5,000, conditioned upon faithful discharge of his duties; and the judges of the court of common pleas shall fix a compensation for his services, which shall be paid

Fixing salary.

monthly, out of the fee fund, upon the warrant of the county auditor.

SEC. 5. All acts and parts of acts, conflicting or inconsistent with the provisions of this act, are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 2, 1879.

[House Bill No. 951.]

AN ACT

To amend section 13, chapter 2, division 4, of an act entitled "an act to amend, revise and consolidate the statutes relating to municipal corporations, to be known as title twelve, part one, of the act to revise and consolidate the general statutes of Ohio," passed May 14, 1878. (75 O. L. 161.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section thirteen of the above recited act be so amended as to read as follows:

Section 13. At each annual municipal election an assessor shall be elected in each ward, who shall take the same oath, give the same bond, and perform the same duties as are provided with respect to township assessors.

Election and duties of ward assessors.

SEC. 2. Said original section thirteen is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 3, 1879.

[Senate Bill No. 242.]

AN ACT

To authorize the city council of the city of Cleveland to levy a tax for building an armory, and to transfer certain funds therein named, temporarily, to an armory fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the first class, second grade, be and they are hereby authorized to levy a tax for the building of an armory for organizations of the Ohio national guard in such city, in addition to the amount now authorized by law to be levied, not exceeding three-tenths of a mill on each dollar valuation of all the taxable property within such city.

Levying tax for building an armory.

Transfer of market fund.

SEC. 2. That, from and after the passage of this act, the city council of such city is hereby authorized and empowered to temporarily transfer any surplus moneys belonging to the market fund of such city to the armory fund created by this act; such transfer to be by ordinance passed for that purpose, and to be re-transferred in the same manner when the tax, or any portion thereof, shall be received from the levy for armory fund.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 10, 1879.

[Senate Bill No. 241.]

AN ACT

To amend section six, chapter 5, title two, of an act entitled "an act to amend, revise, and consolidate the statutes relating to criminal procedure." (O. L., v. 74, page 340.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That said section be amended so as to read as follows:

Counsel assigned for defense of prisoners shall not be law partner of prosecuting attorney.

Section 6. After a copy of the indictment has been served or opportunity had for receiving the same, as provided in the last section, the accused shall be brought into court, and if he be without counsel, and unable to employ any, the court shall assign counsel, not exceeding two, who shall have access to the accused at all reasonable hours; but such counsel shall not be a partner in the practice of law of the attorney having charge of the prosecution, and any partner of the attorney having charge of a prosecution shall not be employed by or conduct the defense of any person prosecuted as aforesaid.

Partner of prosecuting attorney not to assist in prosecution.

SEC. 2. The partner of any prosecuting attorney shall not assist in the prosecution of any criminal case, unless assigned to such prosecution by the court before which the same is being or is to be tried.

SEC. 3. Said section six is hereby repealed, and this act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 10, 1879.

[House Bill No. 824.]

AN ACT

To amend section nineteen of the act entitled "an act for the incorporation of townships," passed March 14, 1853. (51 vol., Stat., 489.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section nineteen o the above recited act be so amended as to read as follows:

Township treasurer and superintendents of roads to give bond.

Trustees to fix bond.

Section 19. That each and every person elected and qualified to the office of township treasurer, and to the offices of supervisors of roads and highways, shall, previous to entering on their offices, respectively give bond, with security, to the trustees of such township, and their successors in office, in such sum as the trustees may deem proper, conditioned for the faithful receiving and payment over of all moneys which may come into their hands, and for the faithful performance of their duties by virtue of their office, and the trustees of any township may require the township treasurer to give additional security, on his previously accepted bond, whenever in the opinion of a majority of said trustees the existing security shall have become insufficient, and if the treasurer shall fail to give such additional security to the satisfaction of said trustees within ten days after he shall have been notified in writing by said trustees that he is required to do the same, then the office shall be declared vacant, and shall be filled as provided in section twenty of this act; said bonds shall be lodged with the clerk of the township, and if the said bonds, or any of them, shall become forfeited, the township clerk, by order of the trustees, is hereby authorized and required to sue for and collect the same for the use of the township, or any person or party entitled to the same.

When the office may be declared vacant.

Bringing suit for payment of forfeited bonds.

SEC. 2. That section nineteen of the above recited act is hereby repealed, and this act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed April 11, 1879.

[House Bill No. 686.]

AN ACT

Relating to surveys authorized by the congress of the United States, in the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any person employed in the execution of any survey authorized by the congress of the United States, may

Granting privileges to persons in the employ of congress.

enter upon lands within this state for the purpose of exploring, triangulating, leveling, surveying, and of doing any work which may be necessary to carry out the objects of existing laws, and may establish permanent stations, marks, and erect the necessary signals and temporary observatories, doing no unnecessary injury thereby.

Assessing damages.

SEC. 2. If the parties interested cannot agree upon the amount to be paid for damages caused thereby, either of them may petition the probate court in the county in which the land is situated, which court shall appoint a time for a hearing as soon as may be, and order at least fourteen days' notice to be given to all parties interested, and with or without a view of the premises, as the court may determine, hear the parties and their witnesses, and assess damages.

Damages in case of appeal to court.

SEC. 3. The person so entering upon land may tender to the injured parties damages therefor, and if, in case of appeal to the probate court, the damages finally assessed do not exceed the amount tendered, the persons entering shall recover costs; otherwise the prevailing party shall recover costs.

Costs allowed.

SEC. 4. The costs to be allowed in all such cases shall be the same as allowed according to the rules of the court.

Penalty for willfully defacing, injuring, or removing any signal, etc.

SEC. 5. If any person shall willfully deface, injure, or remove any signal, monument, building, or other property of the United States coast survey constructed or used under or by virtue of the acts of congress aforesaid, he shall forfeit a sum not exceeding fifty dollars for each offense, and shall be liable for damages sustained by the United States in consequence of such defacing, injury, or removal, to be recovered in an action in the case in any court of competent jurisdiction.

SEC. 6. This act shall take effect from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed April 12, 1879.

[House Bill No. 710.]

AN ACT

To amend an act supplementary to an act entitled "an act for the reorganization and maintenance of common schools," passed May 1, 1873, and revised May, 1875.

When a teacher may sue a sub-district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if the directors of any sub-district dismiss any teacher for any frivolous or insufficient reason, such teacher may bring suit against such sub-district, and if on the trial of the cause, a judgment be obtained against the sub-district, the directors thereof shall certify to the clerk of the

board the sum so found due, and he shall issue an order to the person entitled thereto upon the township treasurer to pay the same out of any money in his hands belonging to said sub-district and applicable to the payment of teachers. In such suits process may be served on the clerk of the sub-district, and service upon him shall be sufficient.

Who shall certify as to the sum due. Serving process.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed April 14, 1879.

[House Bill No. 706.]

AN ACT

Supplementary to an act entitled "an act for the reorganization and maintenance of common schools," passed May 1, 1873, (Saylor's statutes, p. 3028), and to extend the time for lessees of section sixteen to comply with sections 143 and 144 of said act, who have complied with all provisions of said act except said sections.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any person holding land of lease, in section sixteen, and having complied with section one hundred and forty-two of said act, and all other provisions thereof, except said section one hundred and forty-three and one hundred and forty-four, required of him to become the owner in fee, by purchase of said lands, and in whose favor all proceedings, orders, and the confirmation required by said act, have been had and made, and who has paid all costs made thereby required of him by law, but who has failed to comply, within the time required by said sections one hundred and forty-three and one hundred and forty-four, with the provisions of said last named sections, after the passage of this act, shall have the same time to comply with the terms of said sections one hundred and forty-three and one hundred and forty-four, as is now herein specified.

Relating to persons holding land of lease.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed April 14, 1879.

[Senate Bill No. 343.]

AN ACT

Relating to certain proposed amendments to the constitution, and the publication thereof.

WHEREAS, The general assembly of the state of Ohio, (three-fifths of the members elected to each house agreeing thereto), have proposed amendments to the constitution to be submitted to the electors for their approval or rejection at the election for senators and representatives to the general assembly on the second Tuesday of October, A.D. 1879. Therefore,

Amendments to constitution.

Electors of state to vote on them.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the electors of this state shall vote upon said proposed amendments at the general election in October, A.D. 1879, in the manner and form prescribed in said amendments.

Additional duties of judges and clerk.

SEC. 2. The judges and clerks of the election, in each township, ward, and precinct, shall, in addition to the returns provided by law, and, at the same time, make returns to the clerk of the common pleas court, of the vote cast for and against said proposed amendments.

Additional certificate required.

SEC. 3. A return, additional to the return now required by law to be made, of the votes cast at such election for state officers, and senators, and representatives, and also for and against said proposed amendments to the constitution shall be certified and made, by the clerk of each county, to the secretary of state within ten days after said election; and within twenty days after said election the governor, secretary of state, and attorney-general shall open said returns, and count the votes, and ascertain whether or not a majority of the votes cast at said election have been cast for said proposed amendments, and if it appears that a majority of the votes cast at such election have been cast for said proposed amendments the governor shall make proclamation thereof without delay.

Officers who shall count the votes.

How result shall be announced.

SEC. 4. The secretary of state shall cause the amendments to the constitution proposed at the present session of the General Assembly to be published once each week in not less than one newspaper in each county of the state wherein a newspaper is published once each week for six months, and until the 2d Tuesday in October, A.D. 1879; and in counties where more than one newspaper is published the secretary of state is hereby authorized and required to publish the same in one or more newspapers other than the one in which it shall have been first published under his direction from the earliest time practicable until the 2d Tuesday of October, 1879; provided, that in counties where newspapers represent each of two leading political parties, then such amendments shall be published in at least one newspaper of each political party.

Providing for publication of proposed amendments.

Regulating charges for publication.

Providing for payment of publication.

Measurement.

SEC. 5. The charges of publication shall not exceed fifty per cent. of the rates established in section one of the act "to fix the price of legal advertising," passed March 26, 1876, shall be printed in type not smaller than nonpariel, said charges to be uniform, and the cost thereof shall be paid out of the state treasury, from any money not otherwise appropriated, upon the warrant of the auditor of state, upon vouchers approved by the supervisor of public printing, who shall make strict legal measurement of the matter published.

SEC. 6. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 14, 1879.

[House Bill No. 893.]

AN ACT

Making appropriations for the support of common schools.

Appropriation for common schools.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby appropriated from any moneys raised or accruing to the state treasury, for the support of common schools, one million five hundred thousand dollars, or as much as may come into the state treasury for this purpose, to be distributed and paid in the manner provided by law. ($1,500,000.00.)

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed April 14, 1879.

[House Bill No. 892.]

AN ACT

Making appropriations to pay interest on the public debt, and the expenses of the sinking fund commissioners.

Appropriation to pay interest on foreign and domestic debt.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby appropriated from any moneys in the treasury, by transfer or otherwise, and that may come into the treasury, belonging to the sinking fund, for the payment of interest on the foreign and domestic debt of the state, three hundred and eighty-eight thousand five hundred dollars ($388,500.)

For interest on school, ministerial, and trust funds, which constitute the irreducible debt of the state, two hundred and seventy thousand five hundred dollars ($270,500.)

To pay the expenses of the office of commissioners of the sinking fund, including salary of clerk, eighteen hundred dollars ($1,800.)

SEC. 2. This shall take effect on its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed April 14, 1879.

[House Bill No. 881.]

AN ACT

Making an appropriation to erect a certain building at the Soldiers' and Sailors' Orphans' Home.

Appropriation for rebuilding soldiers' and sailors' orphans' home.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and hereby is appropriated out of any money in the treasury to the credit of the asylum fund, the following sums, for the purpose of rebuilding a certain structure at the Soldiers' and Sailors' Orphans' Home, recently destroyed by fire, to wit:

For erecting the administration building, twenty-five thousand dollars. $25,000.

For heating, gas, and steam apparatus, three thousand dollars. $3,000.

For furnishing said buildings, seven thousand dollars. $7,000.

And for contingent expenses that may be incurred with respect to the erection, completion, and furnishing the same, two thousand dollars. $2,000.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 16, 1879.

[House Bill No. 945.]

AN ACT

To authorize the incorporation of free avenue companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any number of persons not less than five may associate themselves together in the manner provided for

the creation and regulation of turnpike and plank-road companies in the act entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852, for the purpose of constructing and maintaining free public avenues; and when so organized, shall [be] a body corporate, having all the powers and privileges conferred on such turnpike companies, and being governed in all respects by the provisions of said statute regulating the same, so far as applicable, and not inconsistent with the provisions of this act.

Number of persons who may associate as free avenue companies.

Powers and privileges.

SEC. 2. Said avenues shall be constructed and maintained not less than fifty nor more than one hundred feet wide, of such materials as such companies may deem proper, said companies shall charge no toll of any kind for the use of said avenue by the public, but may make and enforce all necessary and reasonable regulations for the use and preservation of the same. If, in laying out such avenues, it shall be necessary to enter upon and appropriate any lands or premises, the proceedings therefor shall be instituted and carried on in all respects as is provided by law for the appropriation of private property by municipal corporations.

Number of feet avenue may be constructed.

Proceedings in appropriating lands, etc.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 16, 1879.

[House Bill No. 817.]

AN ACT

To amend section one of "an act relating to incorporated villages, which by the federal census of 1870 had, and which, by any subsequent federal census, may have a population of one thousand and eighty-seven," passed and took effect April 16, 1878. (O. L., vol. 75, pages 110 and 111.)

Amendment.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above recited act be amended so as to read as follows:

Section 1. That whenever in any incorporated village, which by the federal census of 1870 had, and which, by any subsequent federal census, may have a population of one thousand and eighty-seven, the village council thereof, shall, by a resolution passed by a majority of the members elected thereto, declare it to be essential to the interests of such village that a line of railway, to be named in said resolution, should be provided between termini designated therein, one of which shall be such village, and the other not exceeding two and one-half miles therefrom, it shall be lawful for a board of trustees appointed as therein provided, and they are hereby authorized to borrow as a fund for that purpose,

Where trustees of incorporated villages having certain number of inhabitants may borrow money for railroad purposes.

May issue bonds.

not to exceed the sum of eighteen thousand dollars, and to issue bonds therefor, in the name of such incorporated village, under the corporate seal thereof, bearing interest at a rate not exceeding seven per cent. per annum, payable semi-annually; said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board; said

Their registration.

bonds shall be signed by the president of said board, and attested by the clerk of such incorporated village, who shall keep a register of the same, and they shall be secured by a mortgage on the line of railway, and by the pledge of the faith of such village, and a tax which it shall be the duty of the council thereof annually to levy, (which tax shall not exceed six mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption

Provision regulating the levying of tax and limiting same.

of said bonds: provided, that such village shall not in any one year levy taxes to a greater amount than thirteen mills on the dollar, including the levy for said bonds: and provided, that no money shall be borrowed on bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such incorporated village, at a special election to be ordered by the village council thereof, of which not less than twenty days' notice shall be given in the paper

Electors to decide on expediency of railroad.

published in such village: and further provided, that three-fifths of said electors voting at such election shall decide in favor of said line of railway. The returns of said election shall be made to the clerk of said incorporated village, and be by him laid before the village council, who shall declare the result by resolution. The bonds issued under the authority of this election shall not be sold or disposed of for less than their par value.

Repeal.

SEC. 2. That section one of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 16, 1879.

[House Bill No. 699.]

AN ACT

To amend section twenty-three, of chapter one, division five, of an act to revise and consolidate the laws relating to civil procedure in courts of common pleas and superior courts, in district courts on appeal, and also the laws relating to procedure in error, mandamus, and quo warranto. (Ohio Laws, vol. 75, page 684.)

Amendment.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-three of the above recited act be amended so as to read as follows:

Public notices of sale of real estate shall be published in a German newspaper.

Section 23. That in any county containing a city of the first or second class, wherein, at the date of the passage of this bill, a newspaper or newspapers in the German language are printed, all public notices of sale of real estate by virtue of any execution, order, or decree of any court of record in such county now by law required to be published in any newspaper, shall in addition to the publication heretofore required, whenever the appraised value of such property exceeds five hundred dollars ($500.00), be published in one of such German newspapers having a general circulation in such county: provided, that such German newspaper shall issue every week at least five hundred and fifty (550) copies to bona fide subscribers within the county where published, and said notice shall be published in such German newspaper in German language, and in the same manner, and for the same time, that said notices are now by law required to be made and published; but no error or mistake in the contents of such notice, or in the translation of the same, shall delay proceedings in court, or affect the title of such property sold; and should errors of the character above named occur, by negligence or mistake of such publisher, in any such advertisement so published the publisher shall not be entitled to receive pay for the publication thereof: and, provided, that the court shall, on motion of defendant, or may on good cause being shown dispense with said advertisement in such German newspaper, or it may, at its discretion, order the same published in any Bohemian newspaper, as the interest of the defendant may, in its judgment, require.

Provision as to circulation of newspaper.

Errors in publication shall not delay legal proceedings.

Provision.

Repeal.

SEC. 2. That [section] twenty-three of the above recited act be and the same is hereby repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 17, 1879.

[House Bill No. 819.]

AN ACT

Relating to incorporated villages which, by the federal census of 1870, had, and which, by any subsequent federal census, may have a population of two thousand eight hundred and eighteen (2,818).

When certain incorporated villages and trustees of same may borrow money for railroad purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever in any incorporated village which, by the federal census of 1870, had, and which, by any subsequent federal census, may have a population of two thousand eight hundred and eighteen (2,818), the village council thereof shall, by resolution passed by a majority of the members elected thereto, declare it to be essential to the interests of such village that a line of railway, to be named in said

resolution, should be provided between termini designated therein, one of which shall be such village, it shall be lawful for a board of trustees, appointed as herein provided, and they are hereby authorized to borrow, as a fund for that purpose, not to exceed the sum of one per cent. of the value of the property on the tax duplicate of such incorporated village, and to issue bonds therefor in the name of such incorporated village, under the corporate seal thereof, bearing interest at a rate not to exceed seven (7) per centum per annum, payable semi-annually, said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board; said bonds shall be signed by the president of said board, and attested by the clerk of such incorporated village, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such village, and a tax which it shall be the duty of the council thereof annually to levy (which tax shall not exceed four (4) mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds: provided, that such village shall not in any one year levy taxes to a greater amount than twelve (12) mills on the dollar, including the levy for said bonds; and provided, that no money shall be borrowed on bonds issued until after the question of providing the line of railway specified in said resolution shall have been submitted to a vote of the qualified electors of such incorporated village, at a special election to be ordered by the village council thereof, of which not less than twenty days' notice shall be given in the papers published in such village; and further provided, that a majority of said electors voting at such election shall decide in favor of said line of railway. The returns of said election shall be made to the clerk of said incorporated village, and be by him laid before the village council, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

Providing for issue of bonds and registration of same.

Levy not to exceed specific amount.

Electors to vote as to necessity of railroad.

Relating to the election and result.

When majority of votes cast, clerk of village to file petition for appointment of trustees.

SEC. 2. If a majority of votes cast at said election shall be in favor of providing the line of railway, as specified in the first section, it shall be the duty of the clerk of said incorporated village forthwith to file a petition in the court of common pleas in the county in which such village is situated, praying that the judge thereof will appoint three trustees, who shall be electors and freeholders of said village, to be called the trustees of ——— railway (the blank to be filled with the name of the railway as given in the resolution), and it shall be the duty of said judge to make the appointment, and enter the same on the minutes or journal of the court. They shall enter into bonds to the village, in such sums as the court may direct, with one or more sufficient sureties, to be approved by the court, conditioned for the faithful discharge of their duties. The bond so taken shall be approved by the clerk of said incorporated village, and

Trustees shall furnish bonds.

deposited with the treasurer of the corporation for safe keeping.

Trustees to have control and to disburse fund.

SEC. 3. The said trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct and in constructing a single track narrow-gauge railway, with all the usual appendages; and for the purpose aforesaid shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, or bonds, and other personal property, and to dispose of the same in aid of said fund.

Providing for the election of president, and defining powers of trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such power as the board may, by resolution from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their office in the village under whose action they are appointed, but they may adjourn from time to time to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the corporation clerk, whenever requested so to do by a resolution of the village council. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the council of such village by resolution duly adopted, and allowed by the court appointing them.

May demand security from employes.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor, chosen, or appointed, or employed by them, as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

Responsible for their own acts.

Providing for removal of trustees on failure to faithfully perform duties.

SEC. 6. Whenever the corporation clerk of any village under whose action a board of trustees have been appointed as herein provided, shall have reason to believe that any one of said trustees has failed in the faithful performance of his trust, it shall be his duty to apply to the court that appointed said trustee, by petition, praying that such trustee be removed and another appointed in his place; and when a vacancy shall occur in said board from any other cause, it shall be filled in like manner. If the corporation clerk shall fail to make application in either of the foregoing cases, after the request of any of the holders of the bonds issued by said trustees, or by a tax payer of such village, such bondholder or tax payer may file a petition, in his own name, on behalf of the holders of such bonds, for like relief, in any court hav-

Tax payer may file petition in his own name.

ing jurisdiction; and if the court hearing the action shall adjudge in favor of the plaintiff, he shall be allowed, as part of his costs, a reasonable compensation to his attorney.

Proceedings for appropriation of lands, etc.

SEC. 7. Whenever in the construction of a line of railway, as herein provided, it shall be necessary to appropriate lands for the foundation of abutments, or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury, and judgment of the court, shall be so varied as to suit the case.

When trustees may purchase or lease.

SEC. 8. Whenever there shall be between the termini designated in any resolution passed under this act, a railroad already partially constructed, or rights of way acquired therefor, which can be adopted as part of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

How rights and easements of street railway corporations may be appropriated.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof, belonging to such incorporated village, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury, and judgment of the court, shall be so varied as to suit the case.

Trustees, on completion of road, may lease the same.

SEC. 10. On the final completion of any line of railway constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the terms and conditions, which shall be fixed and provided by the council of the incorporated village by which the line of railway is owned.

When council may appropriate limited sum of money.

SEC. 11. That the village council of any incorporated village described in this act may, after trustees have been appointed, as provided in this act, advance to said trustees, out of any funds of such village, such sum as is necessary, not exceeding two hundred dollars, for carrying the object for which they were appointed into effect, and said sum shall be repaid out of the trust fund provided for in this act, when raised.

Incorporated villages or trustees may make deeds, etc.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such incorporated village providing the line of railway, or in the name of the trustees of ——— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or pro-

bate court, as in other cases of appropriations for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 18, 1879.

[Senate Bill No. 307.]

AN ACT

To establish a quarantine in certain cities, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any city or town in the state of Ohio having an organized board of health or health officer may establish a quarantine ground or grounds within or without its own limits: providing, if such place be without its limits, and within any other town, then the consent of the town within whose limits said quarantine may be established shall be first obtained.

Where health officers may establish quarantine.

SEC. 2. That the board of health or the health officer of any city or town in the state of Ohio may, in times of epidemics or threatened epidemics, establish a quarantine on vessels, railroads, or any class of vehicles used for the purpose of transporting passengers, baggage, or freight, and the said board of health or health officer may make such rules or regulations as may be deemed wise and necessary for the protection of the health of the people of the community or state.

Powers of boards of health to regulate travel and shipments.

SEC. 3. Whenever quarantine shall be declared, all railroad and steamboat corporations, and the owners, consignees, or assignees of any railroad, steamboat, stages, or other vehicles used for the transportation of passengers, baggage, or freight, shall submit to any rules or regulations imposed by the said board of health or health officer; they shall submit to any examination required by the health authorities respecting any circumstance or event touching the health of the crew and passengers, and the sanitary condition of the baggage and freight; and any owner, consignees or assignees, or other persons interested as aforesaid, who shall make any unfounded declaration respecting the points under examination, shall, upon conviction thereof before any court or justice of the peace, forfeit and pay a fine not exceeding one hundred dollars, and suffer six months imprisonment, either or both at the discretion of the court; all fines thus collected, less costs, to be turned over to the sanitary fund of the city or town where such quarantine may be established.

Persons who shall submit to quarantine regulations.

Penalty for violation of quarantine.

Retrospective as to persons, freight, and baggage.

SEC. 4. All rules and regulations passed by the board of health or health officers shall apply to all persons, goods, or effects arriving by railroad, steamboat, or other vehicle of transportation, after quarantine is declared.

Authorized to erect wooden buildings.

SEC. 5. That the board of health or health officer of any city or town in the state of Ohio shall be authorized to erect any temporary wooden buildings or field hospitals deemed necessary for the isolation and protection of persons or freight supposed to be infected: providing, that such places be constantly guarded by a competent force of at least three sanitary officers.

Appointment of sanitary officers.

SEC. 6. That the board of health or health officer may appoint, during the time of quarantine, a sufficient number of sanitary inspectors, the salaries of such inspectors to be fixed by the city council of such city.

Empowered to borrow money.

SEC. 7. That in case of any epidemic or threatened epidemic, the council of any city or town in the state of Ohio shall have power to borrow until such times as the next levy and collections thereof be made, and at a rate of interest not to exceed six per cent., any sum of money that the board of health and city council of said city may deem necessary to defray the expenses of the aforesaid quarantine.

Pre-existing acts in force.

SEC. 8. That this act shall not repeal any pre-existing law for the preservation of the public health, and this act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 22, 1879.

[House Bill No. 801.]

AN ACT

To amend the act of March 12, 1831, entitled "an act prescribing the duties of county treasurers." [29 v. 291; S. & C., 1584.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section fifteen of said act be so amended as to read as follows:

Relating to county treasurers and the manner of receipting for taxes.

Section 15. The county treasurer, or his deputy, whenever any tax shall be paid shall give to the person paying the same a receipt therefor, specifying therein the land, lot, or other property on which such tax was assessed, according to the description on the duplicate, or in some other sufficient manner; said receipt shall be ruled in columns, and in the first column shall be said description of each item of property; in the second, the valuation thereof; in the third, the

rate of the tax, expressed in mills and fractions, if any; and in the fourth, the amount of tax on each of said items.

SEC. 2. Said original section is hereby repealed, and this act shall take effect from its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed April 21, 1879.

[House Bill No 450.]

AN ACT

For the improvement of public roads.

How township trustees may improve public roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of any township may, upon the written petition of one or more persons interested, describing the road or part thereof proposed to be improved, authorize any person or persons living on or near any unimproved state, county, or township road situate within the township which intersects or connects with any township or improved road, to improve such road to the extent it may be situate within the township, or any part thereof within the township within such time as they may direct, by grading the same, not more than sixteen feet wide, and graveling such grade not exceeding twelve feet wide, or otherwise improving such road or any part thereof within the township; and such improvement shall be made under the instructions of the supervisor or supervisors of roads within whose district the road or part thereof to be improved is situated: and as soon as such road or part thereof authorized to be improved as aforesaid, within any road district, is fully improved and completed to the satisfaction of the supervisor of such district, he shall estimate the work so done by the several persons authorized as aforesaid, either by themselves or those employed by them, under such rules and regulations as the township trustees shall prescribe as to extent and character of such improvement and to give to each of such person or persons a certificate specifying the amount of labor done and performed by such person, stating when authority was given to improve such road, and when the same was completed in his district and accepted by him, and the value in money of such labor estimated as aforesaid; but in estimating the value of such labor in money, the supervisor shall not allow a greater sum than two dollars and twenty-five cents for each team and driver, and not to exceed one dollar for each hand per day for the time actually employed: provided, however, that in case of dispute between the supervisor and any person interested in such improvement as to the manner of making the same, its completion or the value of the

Supervisor to estimate work.

Certificate specifying amount of labor.

Amount to be allowed limited.

Trustees to arbitrate their decision final.

work, the matter in dispute shall be submitted to the trustees of the township and their decision shall be final.

Accrediting holders of certificates.

SEC. 2. Any person being the holder of such certificate as aforesaid, shall be entitled to have the amount thereof credited on any road tax, payable in labor, levied after the completion of such improvement on the propрty of such person situate within the county; and if such road tax levied in any one year on said property is not sufficient to cover the amount of such certificate, the same shall in like manner be so accredited from year to year, until said certificate is fully paid, but without interest. At the time of making such credit upon said certificate, the supervisor shall issue and deliver to the holder thereof a receipt for the road tax charged against such person for the current year; provided, that the holder of such certificate shall have the right to transfer the same, or any balance due thereon, to any subsequent purchaser or purchasers of said property owned by him when such certificate was issued.

Supervisor to issue receipts.

Trustees shall direct disposition of materials, etc.

SEC. 3. The trustees at the time of authorizing such road improvement shall also in their order direct where and at what point the materials therefor shall be taken, under the general laws in force for procuring materials for the improvement of public roads, which point shall be the nearest and most convenient point where the materials can be procured in the township.

SEC. 4. This act shall take effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 24, 1879.

[Senate Bill No. 3.]

AN ACT

Further to amend the act entitled an act to authorize free banking, passed March 21, 1851 (49 Ohio Laws, 41), and the acts amendatory and supplementary thereto.

SECTION 1. *Be it enacted by the General Assembly of the State Ohio*, That section seventeen of the said act, passed March 21, 1851, be amended so as to read as follows:

Banking companies shall not circulate evidences of debt as money.

Section 17. No banking company, either heretofore or hereafter organized under this law, shall at any time issue, or have in circulation, any note, draft, bill of exchange, acceptance, certificate of deposit, or any other evidence of debt, which, from its character, form, or appearance, shall be calculated or intended to circulate as money; and every violation of this section, by any officer or member of a banking

company, shall be deemed and judged a misdemeanor, punished by fine or imprisonment, or both, in the discretion of the court having cognizance thereof, as now provided by law.

SEC. 2. That section nineteen of said act be amended so as to read as follows:

Section 19. Each banking company shall at all times have on hand, of lawful money of the United States, an amount equal to at least twenty per centum of its deposits; and whenever the lawful money of any company shall fall below twenty per cent. of its deposits, such company shall not make any new loan or discount, otherwise than by discounting or purchasing bills of exchange payable at sight nor make any dividend of its profits, until the required proportion of its deposits, and its lawful money of the United States, shall be restored; and for such purpose money actually invested in bonds of the United States shall be deemed equivalent to lawful money of the United States.

When prohibited from making loans.

When bonds are equivalent to lawful money.

SEC. 3. That section twenty of the said act be amended so as to read as follows:

Section 20. No banking company herein authorized shall at any time be indebted, or in any way liable, to an amount exceeding the amount of the capital stock at such time actually paid in and remaining as capital stock, undiminished by losses or otherwise, except on the following accounts:

Not liable for more than amount of capital stock.

First. On account of moneys deposited with or collected by such company.

Exceptions.

Second. On account of bills of exchange or drafts drawn against money actually paid on deposit to the credit of or due to such company.

Third. Liabilities of its stockholders on account of moneys paid in as capital stock, and dividends thereon, and such stockholders shall be liable, over and above the stock by him or her owned, and any amount unpaid thereon, to a further sum at least equal in amount to such stock.

SEC. 4. That section twenty-three of the said act be amended so as to read as follows:

Section 23. The directors of each banking company shall, semi-annually, declare a dividend of so much of the net profits of the company as they shall judge expedient; but such company shall, before the declaration of a dividend, carry one-tenth part of its net profit of the preceding half year to its surplus fund, until the same shall amount to twenty per centum of its capital stock. Every banking company shall make to the auditor of state a report, according to the form which may be prescribed by him, verified by the oath of the president or cashier of such company, which report shall exhibit in detail, and under appropriate heads such as he shall require, the resources and liabilities of the company before the commencement of business in the morning of the first Monday of the months of January and July of each year, and shall transmit the same to the auditor of state within ten days thereafter.

How declare dividend.

Shall report semi-annually to auditor of state.

SEC. 5. That section twenty-five of the said act be amended so as to read as follows:

Liabilities specified.

Section 25. The total liabilities of any person, company, corporation, or firm, for money borrowed, including in the liabilities of the several members thereof to any banking company herein authorized, shall at no time exceed one-tenth part of the amount of the capital stock of such company actually paid in: provided, that the discount of *bona fide* bills of exchange drawn against actually existing values, and the discount of commercial or business paper actually owned by the person or persons, corporation or firm negotiating the same, shall not be considered money borrowed.

Provision.

SEC. 6 That section thirty of the said act be amended so as to read as follows:

Relating to embezzlement, etc., by bank officers, employés, and agents.

Section 30. Every president, director, cashier, teller, clerk, or agent of any banking company, who shall embezzle, abstract, or willfully misapply any of the moneys, funds, or credits of such company, or shall, without authority from the directors, issue or put forth any certificate of deposit, draw any order or bill of exchange, make any acceptance, assign any notes, bonds, drafts or bills of exchange, mortgage, judgment or decree, or shall make any false entry in any book, report, or statement of the company, with intent in either case to injure or defraud the company, or any other company, body politic or corporate, or any individual person, or to deceive any officer of the company, or any agent appointed to inspect the affairs of any banking company in this state, shall be guilty of an offense, and, upon conviction thereof, shall be confined in the penitentiary, at hard labor, not less than one year, nor more than ten years.

Penalty.

Repeal.

SEC. 7. That sections six, seven, eight, nine, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-three, twenty-five, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five thirty-six, thirty-seven, thirty-nine, forty-two forty-four, forty-five, and forty-six of the said act, passed March 21, 1851, and section forty-one of said act as amended by an act passed March 16, 1865 (62 Ohio Laws, 51), be and the same are hereby repealed.

SEC. 8. That this act shall take effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 24, 1879.

[House Bill No. 875.]

AN ACT

Supplementary to an act entitled an act to authorize county commissioners in certain cases to accept devises and legacies, and to erect and maintain an orphan asylum in connection with a childrens' home, passed February 11, 1869.

Establishment of schools at asylums and childrens' homes.

Maintainance of and management, etc.

Commissioners shall provide school-rooms, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the respective boards of education of the districts in which the said asylums and childrens' homes are, or may be located, are authorized and directed, on the request of said board of trustees, to establish at said asylums and childrens' homes separate schools, so as to afford to the children therein the advantages of a common school education; and such schools shall be continued in operation forty-four (44) weeks in each and every year. After the expenditure of the full share of the school fund to which the said schools are respectively entitled on the basis of the enumeration of the children in the respective asylums and childrens' homes, in the employment of a teacher or teachers, the deficiency shall be met by an appropriation by the respective county commissioners of the county in which such asylums and childrens' homes are located from the fund or funds provided for the maintainance of said asylums and childrens' homes; said schools shall be under the management and control of the board of education in the district in which they are located respectively; the commissioners of the respective counties in which are located an asylum and children's home, created under the act to which this is supplementary, shall provide a suitable school-room or rooms in or adjacent to their asylum and childrens' home, together with seats, desks, books, and other necessary articles suitable for the school, and pay for the same out of the asylum and childrens' home fund or funds.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 30, 1879.

[Senate Bill No. 221.]

AN ACT

Supplemental to an act entitled an act to preserve the purity of elections.

Unlawful for candidates for office to promise electors money, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any person who is a candidate for any office of trust or profit, under the constitution or laws of this state, or of the United States, to loan,

give directly or indirectly, offer, or promise to give, any money or other thing of value to any elector within the district in which he is a candidate, for the purpose of influencing or retaining the vote of such elector, or give or promise to give to any person or persons any of the above considerations of value to secure or retain the influence of such person or persons in his behalf as such candidate, or to be used by such person or persons to influence the vote of any individual elector, or of electors generally, or to influence him or them to vote or to refrain from voting: provided, that nothing in this section shall be construed to apply to hospitality at his own residence.

Proviso.

Penalty on conviction of having offered bribes.

SEC. 2. Any person found guilty of any of the acts named in section one, shall be deemed guilty of bribery, and, upon conviction thereof, shall be fined in any sum not less than five hundred dollars nor more than one thousand dollars, or be imprisoned in the penitentiary not exceeding three years; and if such offender shall have been elected to the office for which he was a candidate, his office shall be made vacant by conviction, and filled as in other cases of vacancy; and such person shall, morever, be forever ineligible to any office of trust or profit within this state.

Felony to intimidate, coerce, etc., voters.

SEC. 3. Any person, not a candidate for office, who shall disburse, or give, or promise to give any money, or other thing of value, or gives, or treats to any spirituous, malt, or other liquors, either directly or indirectly, to influence any voter in giving or withholding his vote, or seeks by violence or threats of violence, or threatens to enforce the payment of a debt, or to begin a criminal prosecution, or to injure the business or trade of any elector; or if any employer of laborers, or agent of such employer, threatens to withhold or reduce the wages, or to dismiss from service, or refuses to allow the necessary time to employés to attend at the place of election and vote, as an inducement to such elector to vote contrary to his inclinations; or any person selling or offering to sell his influence with other voters or who, for or with any consideration of value enumerated in section one, shall seek to influence the vote of any elector, or to influence him to vote, or to refrain from voting, shall be deemed guilty of a felony, and, upon conviction thereof, shall be fined in any sum not less one hundred nor more two thousand dollars, or imprisoned in the penitentiary not more than three years, at the discretion of the court.

Penalty.

How candidates disqualified.

SEC. 4. Any candidate for nomination by any political party in this state, for any office of trust or profit, who shall commit any of the acts named in section one of this act, for the purpose of securing the influence of any person in his behalf, or to influence any delegate voting upon the question of his nomination, shall be deemed guilty of bribery, and shall be fined not less than one hundred dollars, and shall be disqualified from holding the office though he be thereafter elected according to law. The commission of any of

the acts named in section one, during the candidacy of such person for nomination for office as aforesaid, shall be prima facie evidence of intent to influence the votes of delegates.

Where purchase of ball tickets, etc., by candidates is prohibited.

SEC. 5. That whoever asks, demands, or receives from any candidate for the nomination, by any political party or convention, to any office, or from any candidate for any office under any law, any money or other thing of value, not then due and owing, or makes application to any such candidate to purchase any ticket to, or to give any money or other thing of value for any pretended ball, picnic, fair, entertainment, or charitable enterprise, with the expectation or belief that such demand, request, or receipt will influence any vote, shall be fined not less than fifty nor more than three hundred dollars, or imprisoned sixty days in the county jail, or work-house, if there be such an institution in the county, or both, and such demand or request of any candidate shall be deemed prima facie proof of such expectation or belief. No prosecution shall be instituted under any of the provisions of this act unless the same shall be commenced within six months after the commission of the offense.

When prosecution shall be commenced.

Powers of prosecuting attorney.

SEC. 6. The prosecuting attorney may frame his indictment with any number of counts for different offenses against this act that may be committed, to effect any one election by any one candidate, and may offer evidence tending to support any or all of said counts, and the jury shall take into consideration all the evidence offered on each of said counts, for the purpose of establishing the guilt of the accused on all or any of said counts.

Verdict, in part or in whole.

SEC. 7. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 1, 1879.

[Senate Bill No. 194.]

AN ACT

To amend section two of chapter five of title thirteen of "an act to amend and revise the statutes for taxation, to be known as title thirteen, part one, of the act to revise and consolidate the general statutes," passed May 11, 1878, (Ohio Laws, vol. 75, p. 472).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of the above recited act be so amended as to read as follws:

Time of state auditor's annual notice to county auditors of rates of taxation.

Section 2. The auditor of state shall, on or before the first Monday of June, annually, give notice to each county auditor of the rates per centum required by the general assembly to be levied for the payment of the principal and interest of the public debt, for the support of the common schools, for

defraying the expenses of the state, and for such other purposes as shall be prescribed by law, which rates or per centum shall be levied by the county auditor on the taxable property of each county on the duplicate, and shall be entered in one column, and denominated "state taxes."

SEC. 2. That said original section two of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 1, 1879.

[Sub. for Senate Bill No. 290.]

AN ACT

To amend section 1, chapter 2, of division 4, of title 1, of an act entitled "an act to revise and consolidate the laws relating to civil procedure in courts of common pleas and superior courts, in district courts on appeal, and also the laws relating to procedure in error, mandamus, and quo warranto," passed May 14, 1878. (Ohio Laws, vol. 75, page 668.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one, of chapter two, of division four, of title one, of an act entitled "an act to revise and consolidate the laws relating to civil procedure in courts of common pleas and superior courts, in district courts on appeal, and also the laws relating to procedure in error, mandamus, and quo warranto," passed May 14, 1878 (Ohio Laws, vol. 75, page 668), be amended so as to read as follows:

When judgment taken by default.

Section 1. In all cases where all or a part of one or more of the causes of action are not put in issue by answer, judgment may be taken, as upon a default, for so much of the plaintiff's demand as is not put in issue by the answer, upon any or all of the causes of action, without prejudice to the rights of the plaintiff as to that portion of his demand disputed, and if in the determination of any cause the taking an account, proof of a fact, or the assessment of damages, is necessary, the court may take the account, hear the proof, or assess the damages, or may refer the case to a referee or master for such purpose, or direct the matter to be ascertained by a jury.

Discretionary powers of court.

SEC. 2. That said section one be and the same is hereby repealed, and that this act take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 1, 1879.

[Senate Bill No. 237.]

AN ACT

To amend section fourteen, of chapter three, of division four, of the act relating to municipal corporations. (Ohio Laws, vol 75, p. 308.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said section fourteen be so amended as to read as follows:

Section 14. The assessment shall be in writing, signed by the jury, and shall be so made that the amount payable to each owner may be ascertained either by allotting it to each owner by name, or on each lot or parcel of land; the owners shall have the right to open and close the case in the introduction of evidence and the argument, but not more than two counsel shall be heard for the city or the owners of any separate lot or tract, unless the court, for good cause, directs otherwise; and the inquiry and assessments shall, in other respects, be made by the jury, under such rules and regulations as shall be given by the court; and when a building or other structure is situated partly upon the land sought to be appropriated, and partly upon adjoining land, and such structure can not be divided up on the line between such two tracts of land without manifest injury, the jury, in assessing the compensation to any owner of the lands, shall assess the value of the same exclusive of the structure, and make a separate estimate of the value of the structure; the owner of the structure may elect to retain the ownership of the same, and to remove it, or accept the value thereof as estimated by the jury; if he fail to make such election within ten days from the date of the report of the jury, or within ten days from the termination of the cause in any higher court to which it may be taken, he shall be deemed to have elected to retain and remove the structure; but if he elect to accept the value of the structure, the title thereto shall vest in the city or village making the appropriation, which shall have the right to enter upon the land for the purpose of removing the structure therefrom.

How jury to return assessment.

Open and close of case.

Verdict, in whole or in part.

Time when owner may decide.

SEC. 2. That said section fourteen be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeal.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 1, 1879.

[House Bill No. 747.]

AN ACT

Authorizing the board of public works to grant or lease the south bank of six-mile reservoir, in Paulding county, to the Paulding and Antwerp railroad company, for a road-bed, under certain restrictions.

Board of public works authorized to lease or permit railroad company to occupy specified lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works of the state of Ohio be and they are hereby authorized, upon such terms and for such compensation as said board shall deem just, to lease to, or permit the Paulding and Antwerp railroad company to use and occupy the south bank of the six-mile reservoir, in Paulding county, for a road-bed, and also to permit said railroad company to cross the southwest corner of said reservoir with its railroad, using either trestle work or piling in crossing said reservoir at said southwest corner, as said railroad company may deem best: provided, however, that said railroad company, before taking possession of said reservoir bank, shall enter into a contract with the state of Ohio, said contract to be prepared by the attorney-general, binding said company, their lessees, assigns, or person or persons occupying the said reservoir bank, to be responsible for and pay all damages caused by overflow of water, or otherwise resulting from the construction of the bed of said railroad, and also for all damages which may result from the flowing of water across the track of said railroad on said premises, to forever keep the same in good repair for reservoir purposes, which repairs shall be made under the direction of the board of public works; and the right of said company to use and occupy said bank shall cease, and the state shall be entitled to the immediate possession of the same, whenever said company shall fail or refuse to pay said damages or to repair said bank, or pay the compensation agreed upon, when requested by the board of public works.

Provision making company responsible by contract for loss or damage.

Privileges forfeited on failure to comply with provisions of act.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 1, 1879.

[House Bill No. 621.]

AN ACT

Supplemental to an act entitled "an act to punish certain offenses therein named," passed April 27, 1878 (Vol. 75, p. 124), and also supplementary to an act entitled "an act supplementary to an act to amend, revise, and consolidate the statutes relating to crimes and offenses, and to repeal certain acts therein named, to be known as title one, crimes and offenses, part four, of the act to revise and consolidate the general statutes of Ohio, passed May 5, 1877," passed May 10, 1878 (Vol. 75, page 141).

Unlawful to compel employés to purchase goods or supplies from designated person, firm, or corporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any person, whether as principal, agent, superintendent, clerk, or otherwise, to compel, or seek to compel, in any manner whatever, or in any manner attempt to coerce any employé of any person, firm, or corporation, to purchase goods or supplies from any particular person, firm, or corporation, and any such principal, agent, superintendent, or clerk, who shall violate the provisions of this section, shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any court of competent jurisdiction, shall be fined in any sum not less than twenty dollars nor more than one hundred dollars, or imprisoned not more than sixty days, or both.

Penalty.

Duty of prosecuting attorney.

SEC. 2. To enforce the provisions of this act and the above recited acts, it is hereby made the duty of the prosecuting attorney, upon complaint to him made of the violation of any of the provisions of said acts, to cause the same to be investigated before the grand jury.

SEC. 3. This act shall take effect from and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 3, 1879.

[Senate Bill No. 277.]

AN ACT

To authorize the board of public works to lease or grant right to construct and maintain a railroad on and over lands of the state, to Toledo and Grand Rapids railroad company.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works be and they are hereby authorized, if the interest of the state will be subserved thereby, to lease to the Toledo and Grand Rapids railroad company and its successors the right to construct, maintain, and operate a railroad on and over the lands belonging to the

state, situate within the corporate limits of the city of Toledo; said grant or lease shall include only such amount of said land and be of and over such part thereof, upon such terms and for such consideration as said board shall determine will be for the best interest of the state, and fully compensate it; but said road shall be constructed upon such part of said real estate, and over such canal at such a point as will not injure the public works or interfere with hydraulic power or navigation: provided, that the part so leased shall not exceed thirty feet in width: provided further, that the said railroad company, or its successors, shall pay to the state the amount of annual rental agreed upon when the same becomes due. The said rental may be increased every ten years, at the instance of the board of public works, by five disinterested appraisers, three of whom shall be appointed by said board and two by said railroad company, before making such appraisement, said appraisers must be duly sworn to faithfully and impartially appraise said lease; and they and their successors shall permit all other roads of like guage, who desire, to use their track or tracks, for a reasonable compensation, to be fixed by agreement or arbitration; and upon failure to comply with any of the provisions of this act the lease shall be null and void. Nothing in this grant shall be so construed as to prevent placing said railroad property on the tax duplicate for taxation by the several counties through which it passes.

Public works and navigation on canals not to be injured by construction of road bed.

Company to pay annual rental to state.

Increase of rental and appraisement every ten years.

Penalty for failure to comply with provisions of act.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 4, 1879.

[House Bill No. 964.]

AN ACT

To amend the act of May 11, 1878, entitled "an act to amend and revise the statutes relating to taxation, to be known as title thirteen, part one, of the act to revise and consolidate the general statutes. (75 v. 436.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eight of chapter five of said act be amended so as to read as follows:

When township trustees shall certify to auditor amount of taxes required.

Section 8. The trustees of each township shall, on or before the fifteenth day of May, annually, determine the amount of taxes necessary for all township purposes, and certify the same to the county auditor; and there shall be levied, annually, by the county auditor, for township purposes, includ-

ing the relief of the poor, but not including the support of common schools, or the payment of the interest and principal of the debts of the township, such rates of taxes as the trustees of the respective townships may certify to the county auditors to be necessary, not exceeding one mill on each dollar of the taxable valuation of the property of the township which does not exceed two hundred thousand dollars, and eight-tenths of one mill on each dollar of such taxable valuation exceeding two hundred thousand dollars, and not exceeding three hundred thousand dollars; and one-half of one mill on each dollar of taxable valuation exceeding three hundred thousand dollars, and not exceeding five hundred thousand dollars; and four-tenths of a mill on each dollar of such taxable valuation exceeding five hundred thousand dollars, and not exceeding eight hundred thousand dollars; and one-fourth of one mill on each dollar of such taxable valuation exceeding eight hundred thousand dollars; and for the payment of the interest and principal of the debts of the township such sum as the trustees may determine is necessary for that purpose: provided, that in counties where there are no county infirmaries, a further township tax, not exceeding one mill and five-tenths of a mill on each dollar of the taxable property of the township may be levied for the relief of the poor, to be applied solely to that purpose. [56 v. 175, § 52; S. & C. 1438: 74 v. 92, § 5.]

Limiting amount of tax.

Proviso.

SEC. 2. Said original section is hereby repealed, and this act shall take effect and be in force from and after its passage; and the act entitled an act to provide for the levying of an additional tax in certain townships, for poor purposes, passed January 29, 1879, be and the same is hereby repealed.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 6, 1879.

[Senate Bill No. 339.]

AN ACT

To amend section eight of an act entitled "an act for the protection of wool-growers and the confiscation of dogs," passed May 5, 1877, page 178.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eight be amended so as to read as follows:

Section 8. That any person who may be damaged by killing or injuring of sheep, may present a detailed account of the injury done, with the damages claimed therefor, to the county commissioners of the county wherein such sheep were killed or injured, at some regular session within one

The time and manner of presenting claims for sheep killed by dogs.

Nature of testimony required to prove claims.

year thereafter, and shall make to appear to the satisfaction of said commissioners, upon parol testimony of least two other persons, being freeholders of the neighborhood where the injury was done, that the same is just and reasonable; he shall make affidavit to his claim, and that such injury was not caused in whole or in part by any dog kept or harbored by the owner of such sheep, and that such owner does not know whose dog or dogs committed such injury, or if known, and such account reduced to judgment, it could not be collected on execution. Said commissioners shall hear said accounts in the order of filing, and may allow the same or such parts thereof as they may deem right. If satisfied that such account is correct and just, they shall order the payment thereof out of said fund. If such fund shall be insufficient to pay all such claims allowed in full, they shall be paid pro rata; and if, after paying all such claims at any session, there should remain more than one thousand dollars of such fund, the excess shall be transferred to the school fund and used for the benefit of common schools in such county: provided, that in a county having a population of one hundred thousand and less than two hundred thousand, at the last federal census, in which an industrial school or children's home may have been established, so much of said excess as may be required may be appropriated to the payment of the amount authorized by the second section of the supplementary act relating to such schools or homes, passed April 24, 1877.

Commissioners authorized to pay claims from fund.

Providing for excess of money remaining from fund.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 7, 1879.

[Senate Bill No. 236.]

AN ACT

To amend section 11, of chapter 1, division 8, of an act entitled "an act to amend, revise, and consolidate the statutes relating to municipal corporations, to be known as title twelve (12), part one (1), of the act to revise and consolidate the general statutes of Ohio."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 11 of the chapter and division of the above recited act be so amended as to read as follows:

Institutions and buildings entitled to water free of charge.

Section 11. No charge shall be made by the trustees or board for supplying water for extinguishing fires or cleaning fire apparatus, or for furnishing and supplying connections and fire hydrants, and keeping the same in repair, for fire department purposes, or the cleaning of market-houses, or

for the use of the public school buildings, or of any of the public buildings belonging to the corporation, or for any hospital, asylum, or other charitable institution devoted to the relief of the poor, the aged, infirm, or destitute persons, or orphan children; and in cities of the first grade of the first class the board of public works of said city may, if they deem it for the best interest of said city, supply water without charge to any zoological garden in or near said city, so long as said garden pays no dividend to its stockholders: and, provided further, that the said board shall at all times have the right to enter said premises and examine into any waste or unnecessary use of the water, and may at any time revoke the grant of said free use of water. [70 v. 11, § 344.]

SEC. 2. That section 11, of chapter 1, division 8, of the above entitled act, be and the same is hereby repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 7, 1879.

[House Bill No. 885.]

AN ACT

To amend the act of May 14, 1878, entitled an act to amend and revise the statutes relating to taxation, to be known as title thirteen, part one, of the act to revise and consolidate the general statutes. [75 v. 436.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section fourteen of chapter five of said act be amended so as to read as follows:

Section 14. In the tax list and duplicate there shall be columns for the number of, and per capita tax on dogs, and, in addition to the proper tax on any valuation that may be fixed upon dogs by the owners, which shall be included with personal property, valuations, and taxes therewith, the auditor shall levy one dollar on each dog, which per capita tax shall constitute a special fund, to be disposed of as provided by law.

Providing for additional taxation of dogs.

SEC. 2. That said original section is hereby repealed, and this act shall take effect on its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed May 12, 1879.

[House Bill No. 912.]

AN ACT

To authorize cities of the first grade of the first class to exchange coupon bonds for registered bonds of said cities.

Holders of coupon bonds may exchange for registered ones.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That cities of the first grade of the first class are hereby authorized and required, on demand of the owner and holder of any coupon bonds of said city to issue registered bonds in exchange for and in lieu of any coupon bonds which have been or may hereafter be issued by said cities; said registered bonds shall be issued in the same denomination, and shall bear the same rate of interest, and be payable the same, both as to interest and principal, as the coupon bonds for which they were exchanged; said coupon bonds, when so exchanged, shall be canceled and destroyed as now provided for bonds redeemed. A book shall be kept in both the auditor's and treasurer's office of said cities, in which shall be entered each of said registered bonds and date of issue, the number and series of the coupon bonds for which it was exchanged, the number, series, and denomination of said registered bond, and the owner of the same. The interest and principal of said bond, shall, when due, be paid only to the order of the party, corporation, or firm, who appear by said books to be the owner of said bonds. Said registered bonds may be transferred on said books by the owners thereof in person or on power of attorney duly executed, and when transferred by power of attorney, the said power of attorney shall be filed and carefully preserved in the office of the treasurer of said cities.

Providing for record of bonds.

Bonds transferable.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed May 12, 1879.

[House Bill No. 665.]

AN ACT

To amend section forty-three, chapter four, division seven, of an act entitled "an act to amend, revise, and consolidate the statutes relating to municipal corporations, to be known as title twelve, part one, of the act to revise and consolidate the general statutes of Ohio," passed May 14, 1878. (75 L., 322.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section forty-three, chapter four, division seven, of the act to amend, revise, and consolidate the statutes relating to municipal corporations, to be known as title twelve,

part one, of the act to revise and consolidate the general statutes of Ohio, be amended so as to read as follows:

Section 43. When it is deemed necessary by a city or village to make a public improvement, the council shall declare, by resolution, the necessity of such improvement, and shall give twenty days' written notice of its passage to the owners of the property abutting upon the improvement, or to the persons in whose names it may be assessed for taxation upon the tax duplicate, who may be residents of the county, and publish the resolution, not less than two nor more than four consecutive weeks, in some newspaper published and of general circulation in the corporation: provided that in case of sewers, the twenty days' written notice to the owners of abutting property, or to the persons in whose names the abutting property is assessed, shall not be required; and provided that when there is no newspaper published in such village, written notices shall be posted in twelve public places in said village, and all plans and profiles relating to the improvement shall be recorded and kept on file in the office of the city civil engineer or clerk, and open to the inspection of all parties interested; and council may appoint a person to serve the notice provided for by this section, who shall make a return of the time and manner of such service, and verify the same by affidavit, which shall be filed with the clerk of the corporation, and the same, or a certified copy thereof, shall be prima facie evidence of the service of the notice as therein stated: provided, that in cities of the first grade of the first class, the power to serve and publish such notice shall be vested in the board of public works, provided for in the second chapter of this division.

Council to give twenty days' notice of an intention to improve.

In certain cases notice not required.

As to who may serve notice.

Proviso.

SEC. 2. That said original section forty-three be and the same is hereby repealed, and this act shall take effect from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed May 12, 1879.

[House Bill No. 615.]

AN ACT

To amend section two (2) of an act entitled "an act supplemental to the act passed May 13, 1868, entitled 'an act to provide for the perpetuation of boards of trustees, and the appointment of visitors of [universities] and colleges,' 65 O. L., 188." (69 O. L., 71.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the alumni of any university or college, the board of trustees of which has accepted, or shall accept, the provisions of said act of May 13, 1868, and the provisions of

Privileges of the alumni of universities or colleges.

this act, are hereby authorized to elect as members of the board of trustees of said university or college, a class of trustees equal in number to the class of trustees elected by any conference or other religious body represented in such board of trustees, and for like terms, as provided in said act of May 13, 1868, or as may be provided in any subsequent act amendatory thereof, or supplemental thereto, and may likewise perpetuate such class of trustees; and also annually to appoint two visitors, who shall have powers and duties the same as visitors appointed by any conference, or other religious body, aforesaid: provided, said board of trustees shall be the judge of the validity of the election and returns thereof of the trustees and visitors aforesaid, under the provisions of this act; and provided further, that no alumnus shall be an elector of trustees and visitors until the third regular election therefor after he shall have received the degree of bachelor of arts (or bachelor of science) from such university or college; and provided further, that all other persons who have regularly attended the particular university or college as a student, not less than two years, and have at any time received from its board of trustees the degree of master of arts, shall, for the purpose of being electors of trustees and visitors, be deemed and taken as alumni.

May appoint two visitors.

When an alumnus may be an elector.

SEC. 2. That said original section two (2) be and the same is hereby repealed.

Repeal.

SEC. 3. That this act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 13, 1879.

[Senate Bill No. 296.]

AN ACT

Relative to the alteration of plats of lots not within municipal corporations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any individual or individuals owning real estate laid out, or which shall hereafter be laid out into lots, any plat of ground not within the limits of, or subject to the control of any municipal corporation within this state may, while so owning and holding the legal title to such real estate so laid out, change the streets, alleys, and unsold lots thereof by making out, acknowledging, and causing a plat thereof showing such alterations to be recorded in the office of the county recorder of the proper county, and entered for transfer in the office of the county auditor, whether such individual or individuals own such real estate in their own

Alteration of plats of lots.

right, or hold the legal title thereto in trust; provided, that no such alterations shall be made which will affect any property on a street passing through such allotment or part thereof, or the property or appurtenances of any lot owner in such original plat without first obtaining the written consent of the owners of the property so abutting on said street and of the owners of the lots in such original plat, which written consent shall be recorded in connection with such plat of such change. Proviso.

SEC. 2. The record of such plat of such change shall vacate, establish, and change streets, alleys, and lots, the same as if such change were made by the judgment of a court having a jurisdiction thereof. Same effect as if made by a court.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 1, 1879.

[Substitute for Senate Bill No. 330.]

AN ACT

To amend the act of May 14, 1878, entitled "an act to amend, revise, and consolidate the statutes relating to municipal corporations, to be known as title twelve, part one, of the act to revise and consolidate the general statutes of Ohio" (Ohio Laws, vol. 75, p. 161).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That chapter two (2), division seven (7), of the above entitled act, be so amended as to read as follows:

Section 1. In cities of the first grade of the first class there shall be a board of city commissioners, composed of five members, who shall be electors of such city and appointed by the police judge thereof, one member to serve for one year, one for two years, one for three years, one for four years, and one for five years; and at each annual municipal election thereafter a successor of the member whose term expires shall be elected by the electors of such city, to serve for the term of five years, and the members shall serve until their successors are elected and qualified. Board of city commissioners. How appointed. Term of office. Successors elective.

Section 2. Each member shall give bond, with at least three sureties to the satisfaction of the council, in the sum of fifty thousand dollars, conditioned for the faithful performance of his duties, which sureties shall each be required to take an oath that he is worth the amount of the bond above all liabilities; and the bond shall also be subject to the approval of the mayor and city solicitor. Amount of bond.

Section 3. The members of the board shall devote their entire time and attention to the duties of the office, and

Salary.

shall each receive as compensation a salary of twenty-five hundred dollars per annum; and they shall, immediately after the passage of this act, divide the city into five districts, as nearly equal in size as possible and of compact territory, and apportion one of such districts to each of the members of the board, who shall personally supervise the cleaning, repairing, and improving the streets, alleys, avenues, lanes, public wharves and landings, market-houses and spaces, bridges, sewers, drains, ditches, and culverts.

Division into districts.

Supervision of same.

Meetings of board.

Section 4. The board shall hold daily meetings, and three shall constitute a quorum for the transaction of business; the ayes and nays shall be called and entered upon a journal upon the passage of every resolution or order of any kind; and no resolution or order shall be adopted unless three votes are recorded in its favor.

Records, proceedings, etc.

Section 5. The board shall keep a complete record of all its proceedings, and a copy from its records, certified by the clerk, shall be competent evidence in all courts; but a separate journal and record, and separate accounts shall be kept touching all matters connected with the control of the water-works of such city.

Entitled to seats in council without vote.

Section 6. The members of the board shall have seats in both branches of the common council, and be entitled to take part in its proceedings and deliberations on all questions relating to matters under their charge, subject to such rules as the council shall, from time to time, prescribe, but without the right to vote; and one of the board may be compelled to attend every meeting of either board of council, in the same manner as the members.

Employes of board; duties, salary, etc.

Section 7. The board may employ such superintendents, engineers, clerks, laborers, and other persons as it may deem necessary for the execution of its duties, and fix their salaries and compensation, but the salaries of such superintendents, clerks, and engineers as are appointed for a definite time, shall be fixed within limits prescribed by the common council, and any of such persons may be removed by the board at any time.

Powers of board.

Section 8. The board shall have all the powers which, in other cities, are vested in the trustees of the water-works, the board of improvements, the commissioners of sewers, the park commissioners, and the platting commission, as provided in the chapters of this title relating to those matters, and shall be governed by the rules prescribed by law for the government of those boards, when not inconsistent with the provisions of this chapter; and the board shall have all the other powers heretofore conferred, either by law or ordinance, up the board of public works.

Duties, instructions, etc.

Section 9. When the board deems it advisable to make a contract for the execution of any work, or the purchase of materials for matters under its charge, a careful estimate shall be made of the cost of such work or materials.

Section 10. In all cases where assessments are to be made,

or where the estimated cost of any work or material exceeds five hundred dollars, the board shall transmit to council, with its recommendations, a resolution or ordinance, as the case may be, authorizing the execution of such work, or the purchase of such material, at a cost not to exceed the amount of the estimate which shall be transmitted.

Relating to awarding of contracts, etc.

Section 11. Upon the passage by council of the resolution or ordinance, it shall be the duty of the board to advertise for proposals in accordance therewith, for a period of at least ten days, in one or more of the newspapers of general circulation in the city, for sealed proposals to do the work or furnish the material required; and the board shall award the contract to the lowest responsible bidder, or reject all bids: provided, the cost under such bidder does not exceed the estimate transmitted to council.

Section 12. Contracts shall be made in the name of the city, executed in behalf of the city by the presiding officer of the board, and filed in their office.

Limiting liabilities.

Section 13. No member of the board, nor other person, whether in the employ of the board or otherwise, shall have power to create any liability on account of the board, or the funds under its control, except by express authority of the board, conferred at a meeting thereof duly and regularly convened.

Officers or employes shall have no interest in contracts.

Section 14. No member, officer, or employe of the board shall be directly or indirectly interested in any contract or work of any kind whatever under its direction; and any contract or work in which any such person shall have an interest shall be void; it shall be the duty of any person having knowledge or information of the violation of this section, forthwith to report the facts to the board; and the board shall give reasonable notice to the parties interested, and at the earliest convenient day investigate the same and hear evidence offered on both sides.

Proceedings where officials are charged.

Section 15. The board shall have power in such case to compel the attendance of witnesses an [and] production of books and papers; and the presiding officer shall have authority to administer the necessary oaths.

Section 16. If a member of the board be involved in any such charge, he shall not again sit or vote in the board until the result of the investigation is determined, announced, and entered on the minutes of the board; a majority of the board not involved in the charge shall be sufficient to decide the questions; and if an officer or employe of the board be found, upon such inquiry, to have violated any of the foregoing provisions, such finding shall at once operate as a dismissal of such officer or employe.

Penalty.

When contract is void.

Section 17. If a contract made or authorized by the board is found [to] violate any of the foregoing provisions, it shall at once become void and of no effect, and no money shall be paid for services rendered or materials furnished under the same.

Section 18. No money shall be paid at any time to any person claiming under a contract with the board, until such person shall have first filed with the board his statement, under oath, disclosing the name of all persons directly or indirectly interested in the contract, or in the proceeds or profits thereof, declaring that no person other than those named are interested, and that no person forbidden by this chapter has any interest in the same.

When board or council may authorize work.

Section 19. In cases where the board may contract without the approval of the council, it may, in its discretion, purchase the necessary material and employ the necessary overseers and hands to do the work; and council may also, in special cases, on the recommendation of the board, authorize any work, no part of which is to be paid by assessment, to be done in the same manner.

Alterations of work.

Section 20. When it becomes necessary, in the opinion of the board, in the prosecution of any work, to make alterations or modifications in the specifications or plans of a contract, such alteration or modification shall only be made by order of the board, and such order shall be of no effect until the price to be paid for the same has been agreed upon in writing, and signed by the contractor and some person authorized thereunto by the board: provided the total cost of the work, with the addition of the price so agreed upon, shall not exceed the original estimate.

Extra work.

Section 21. No contractor shall be allowed anything for extra work caused by any alteration or modification, unless an order is made or agreement signed, as provided in the preceding section, nor shall he, in any case, be allowed more for such alteration than the price fixed by such agreement.

Section 22. No ordinance or resolution authorizing any improvement shall be passed by council except upon the recommendation of the board.

Recommendations of board necessary to improve, or to obtain street railroad, etc., franchises.

Section 23. No grant of the use of a street or highway in such city for the purpose of a street or other railroad, or an extension thereof, or for any other purpose whatsoever, shall be made or renewed unless first recommended by the board; nor shall any such street or highway be used for supplying gas or water, or be broken up or obstructed for any purpose or on any pretense whatever, unless permission is first given by the board and attested by its clerk, in writing; nor shall a resolution or ordinance for the payment of money in settlement of claims for unliquidated damages be passed, nor shall any binding agreement for such settlement be made by the common council, unless the payment or settlement of such claim be first recommended by the board; nor shall any property used or to be used for purposes under the control of the board, or for purposes of the city, be purchased, leased, or disposed of without such recommendation being first made.

Concurrence of board.

And any such measure required to originate in the board which is altered, changed, or amended in any particular, before taking effect shall be concurred in by said board.

Removals and vacancies.

Section 24. A member of the board may be removed from office for incompetency, inefficiency, neglect of duty, or unfaithfulness of trust, by a vote of two-thirds of all the members elected to the board of aldermen of such city; and all vacancies in the board otherwise than by expiration of the term for which such member was appointed or elected, shall be filled by appointment, to be made by the police judge of such city for the unexpired term to which such member was appointed or elected.

Water-works revenue, etc.

Section 25. The revenues of the water-works shall be expended by the board; contracts for water-works purposes shall be made by it only, and from said revenues the board shall pay the interest upon any bonds heretofore or hereafter issued by the city for water-works purposes, after the expenditure of the amount raised by the current levy of taxes to pay interest upon such bonds.

SEC. 2. That section one (1), chapter one (1), division seven (7), of said act be so amended as to read as follows:

Board of improvements, how constituted.

Section 1. When the council of a city establishes a board of improvements, such board shall be composed of the mayor, civil engineer, the street commissioner, the chairman of the committee on streets of the council, and one freehold elector of the corporation, to be appointed by the mayor, with consent of the council, for such time as may, by ordinance, be determined: provided, that in cities of the second grade of the first class such board shall be composed of the mayor, the civil engineer, the street commissioner, one freehold elector of the corporation, to be elected by the council, and the chairman of the committee on streets of the city council; and, provided further, that in cities of the first grade of the first class there shall be no such board, but the duties of the board defined herein are devolved upon the board of city commissioners, which board shall, in addition to its other powers and duties, have all the powers, and perform all the duties required of the board of improvements in this chapter, not inconsistent with the duties of said board of city commissioners.

Proviso.

SEC. 3. That section one hundred and forty-five (145), chapter four (4), division seven (7), of said act be so amended as to read as follows:

Board shall perform certain duties, etc.

Section 145. In cities of the first grade of the first class, the powers and duties devolved upon the board of improvements, or commissioners of sewers, in this chapter, shall be performed by the board of city commissioners, and in such city there shall be no board of commissioners of sewers.

SEC. 4. That section two (2), chapter one (1), division eight (8), of said act be so amended as to read as follows:

Trustees of water-works abolished in certain cities.

Section 2. The council of any city or village in which water-works are situated, or in progress of construction, or when it orders water-works to be constructed, shall establish a board of three trustees, to be known as the trustees of the water-works, who shall be elected by the electors of the cor-

poration, and hold their office for the term of three years, except that at the first election under this chapter, one shall be chosen for one year, one for two years, and one for three years; and thereafter one of the trustees shall be elected annually: provided, that in cities of the first grade of the first class there shall be no board of trustees of water-works, but the duties of such trustees are devolved on the board of city commissioners, which board shall have all the powers and perform all the duties required of the board of trustees in this chapter.

SEC. 5. That section fourteen (14), chapter twelve (12), division eight (8) of said act be so amended as to read as follows:

Limiting provisions of act.

Section 14. The provisions of this chapter, in regard to the appointment of commissioners, shall not apply to cities of the first grade of the first class, but the duties herein devolved upon such commissioners shall be performed in such cities by the board of city commissioners.

SEC. 6. That section one (1), chapter six (6), division eight (8), of said act be so amended as to read as follows:

Parks improvement, etc.

Section 1. The improvement and control of all parks in cities of the first grade of the first class shall be vested in a board of city commissioners, provided for in chapter two of the seventh division of this title.

Abolished.

SEC. 7. The passage of this act shall not be construed to affect the tenure or term of any person now in office, except the members of the board of public works in cities of the first grade of the first class, and said board is hereby abolished; and the board herein established shall be in all respects the successor of said board of public works.

Repeal.

SEC. 8. That the whole of chapter two (2), division seven (7), section one (1), chapter one (1), division seven (7), section one hundred and forty-five (145), chapter four (4), division seven (7), section two (2), chapter one (1), division eight (8), section fourteen (14), chapter twelve (12), division eight (8), section one (1), chapter six (6), division eight (8), of said act of May 14, 1878, be and the same are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 14, 1879.

[Substitute for Senate Bill No. 288.]

AN ACT

To provide for the appointment of a collector of costs and fees, and prescribing his duties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the probate judge, sheriff, and clerk of the

court of common pleas of Hamilton county, shall, immediately after the passage of this act, and every two years thereafter, appoint a collector of costs and fees, whose duty it shall be to collect all costs and fees payable to the fee fund of such county.

Who shall appoint a collector of fees for Hamilton county.

SEC. 2. That all costs and fees due the fee fund of such county, which may now be due, and have remained unpaid for the space of one year, shall [be] immediately transferred to such collector of costs and fees for collection, who shall immediately proceed to collect the same, and execution shall issue on his precipe to enforce payment thereof; that said collector shall pay over all moneys so collected by him, monthly, on the first Monday in each month, to the officer for whose office said collections were made, taking his receipt for the same, and said officer, on the receipt of said costs and fees, shall make the proper entries of payment in the books of his office.

Collector shall collect all costs and fees due fee fund.

When and to whom the collector of costs shall pay the money collected.

SEC. 3. It is hereby made the duty of the court of common pleas in such county to fix the compensation of said collector, and the auditor of such county is hereby directed to draw his warrant on the county treasury, payable out of the funds collected and paid in by such collector, for his compensation so fixed as aforesaid.

Compensation of collector, etc.

SEC. 4. Said collector, before entering upon the duties of his office, shall take an oath of office, and give an undertaking, with security, to be approved by the court of common pleas, in the sum of five thousand dollars, conditioned for the faithful discharge of his duties as such collector, and that he will pay over all moneys collected by him as provided by this act.

Oath of office, and give bond.

SEC. 5. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 14, 1879.

[Senate Bill No. 328.]

AN ACT

To amend section two (2), chapter four (4), page 467, of the act to revise and consolidate the statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of the aforesaid act be amended so as to read as follows:

Section 2. In each city of the second and third (3) grade of the first class, and each city of the second class, there

Cities which shall establish an annual board for the equalization of property.

shall be an annual board for the equalization of the value of the real and personal property, moneys, and credits in such city, to be composed of the county auditor, and six citizens of such city appointed by the council thereof; said board shall meet at the office of the county auditor on the fourth Monday of May, and shall close their session on or before (the second Monday of July) then next following, except in cities of the third grade, of the second class, the board shall close their session on or before the fourth Monday of June following.

Power of the board.

The board shall have power to equalize the value of the real and personal property, moneys, and credits within such city, and shall be governed by the rules, provisions, and limitations prescribed in the next preceding section for annual county boards.

Fixing compensation.

The members shall each be entitled to receive the following fees for each day necessarily employed in the performance of their duties: as members of city boards of the first class, and of the first and second grades of the second class, five dollars per day, and members of city boards of the third grade, of the second class, two dollars and fifty cents per day, to be paid out of the county treasury; and in each city of the first grade of the first class their [there] shall be a like annual board, with the same powers and duties, to be composed of the county auditor, and six citizens of

How appointments are to be made.

such city to be appointed by the council; the first appointments being of two for one year, two for two years, and two for three years; and thereafter, annually, two shall be appointed for three years, and all vacancies shall be filled for the unexpired terms; said board shall meet at the office of the county auditor on the fourth Monday of May, and, including the board now elected, shall close their session on or before the fourth Monday of August, and it may appoint all necessary clerks, not exceeding six; each member, except the auditor, shall receive five dollars per day, and each clerk three dollars per day, for their services for the time actually employed in the discharge thereof, which shall be paid out of the county treasurer [treasury]. Said board shall be authorized to administer any oath or affirmation which it may deem necessary to the proper discharge of its duties.

SEC. 2. This act shall take effect and be in force from and after its passage, and said original section two be and the same is hereby repealed.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed May 15, 1879.

[House Bill No. 858.]

AN ACT

To amend an act entitled an act to provide for the control and maintenance of libraries in certain cities, which at the last federal census had, and which at any subsequent federal census may have, a population of ten thousand five hundred and ninety-two, passed and took effect May 14, 1878.

Cities wherein a public library may consolidate with any other.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cities which at the last federal census had, or at any subsequent federal census may have, a population of ten thousand five hundred and ninety-two, it shall be lawful to merge any public library therein heretofore established, with any other library or reading-room therein existing: provided, that the library formed by such consolidation shall be kept open for the use of the public at all reasonable hours.

Board of education of such cities shall elect a library committee.

SEC. 2. That the board of education in such cities shall, at their first regular meeting after the second Monday in June of 1879, elect, by ballot, three suitable persons, residents of such cities, but other than the members of such board, who shall be known as the library committee of such city, and shall hold office, one for the period of one year, one for the period of two years, and one for the period of three years, or till their successors are duly elected and qualified, and such boards of education shall, annually thereafter, elect in like manner one person, with the same qualifications, to serve for the period of three years, or till his successor is duly elected and qualified; vacancies in such committee shall be filled for the unexpired term at the first regular meeting of the board of education held after such vacancy occurs.

Term of office.

Vacancies.

Powers of committee.

SEC. 3. Such committee shall report in writing to such board at least once each year, and oftener if required by such board, and shall have entire charge and control of the school library in such city, and shall have full power to make all rules and regulations for the government [and] regulation of such library, to employ a librarian and such assistants and help as may be needed for the care and protection of such library, and to require such bond as they may think proper from such librarian, for the faithful performance of his duties as such librarian, and to attend to the drawing and return of books: provided, however, that the salary of such librarian, and rate of compensation of such assistants and help, shall be fixed by resolution, prior to such employment by such committee.

Salary of librarian and assistants.

Committee empowered to levy a tax.

SEC. 4. That for the purpose of increasing and maintaining school libraries in cities mentioned in section one of this act, and the territory thereto attached for school purposes, such library committee in such cities is authorized to annually levy a tax of one-tenth of one mill on the dollar valuation of the taxable property of such cities aforesaid, and the territory thereto attached for school purposes, to be assessed,

collected, and paid in the same manner as are the school taxes of such cities, and all money appropriated or collected by tax for such library shall be expended under the direction of said library committee in the purchase of such books, pamphlets, papers, magazines, periodicals, and journals as may be deemed suitable for the public school library, and in payment of all other costs and charges, including the salaries of the librarian and assistants, that may be incurred in maintaining said libraries, the bills and pay-rolls for which said expenditures shall, upon the order of the library committee, be certified by the chairman and secretary of such committee, and paid by the treasurer of the board of education of said city from such library fund.

Repeal.

SEC. 5. That said original act passed May 14, 1878, be and the same is hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 15, 1879.

[Senate Bill No. 206.]

AN ACT

To amend section fourteen of chapter seven of an act entitled "an act to amend, revise, and consolidate the statutes in relation to criminal procedure." Laws of 1877, page 354.

Relating to persons convicted of felony.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section fourteen of chapter seven of said act be amended so as to read as follows: When a person is sentenced for a felony, and execution of the sentence is suspended, the court shall order him into the custody of the sheriff, to be imprisoned until the case is disposed of. If such person or any person after sentence and before confinement in the penitentiary escape, the clerk of the court, on application of the prosecuting attorney, shall issue a warrant, stating such conviction and sentence, commanding the sheriff to pursue such person into any county in the state, and the sheriff shall take such person and make return thereof to the court in which the sentence was passed, if in session; if not, the sheriff shall again commit him to the jail of the county, and make return thereof, and bring him before the court at the next session thereof. Thereupon the court shall set aside the former sentence, and again pronounce the judgment of the law upon the verdict, which shall be carried into execution, as provided in section nineteen of this chapter. If any convict escape from the penitentiary, or reform school for boys, no part of the time such

Duties of court in case of the escape and recapture of an evil person.

convict is absent shall be counted as a part of the time for which such convict was sentenced.

SEC. 2. That said original section fourteen of chapter seven of said act be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 20, 1879.

[Senate Bill No. 230.]

AN ACT

To amend section four (4), chapter five (5), division three (3) of "an act to revise and consolidate the laws relating to civil procedure in courts of common pleas and superior courts, in district courts on appeal, and also the laws relating to procedure in error, mandamus, and quo warranto," passed May 14, 1878. Ohio Laws, vol. 75, page 665.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four (4) of the above recited act be so amended as to read as follows:

Sec. 4. The application must be made by motion upon written grounds filed at the time of making the motion; the causes enumerated in subdivision two, three, and seven, section one, must be sustained by affidavits or depositions, showing their truth, and may be controverted by affidavits or depositions, and for this purpose depositions may be taken in the county where the action is pending,

How application must be made.

Affidavits and depositions may be controverted, etc.

SEC. 2. Said section four of the above recited act is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 20, 1879.

[House Bill No. 894.]

AN ACT

Making appropriations for the fiscal year 1879, and the first quarter of the fiscal year 1880, payable out of the revenue fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated out of any money in the treasury to the credit of the revenue fund, and not otherwise appropriated, the following sums, to wit:

Appropriations.

For the Athens Asylum for the Insane:

Athens asylum for the insane.

Current expenses, sixty-five thousand dollars. $65,000.00.
Salaries, eighteen hundred and fifty-five dollars and twelve cents. $1,855.12.
Ordinary repairs, two thousand dollars. $2,000.00.
Library, one hundred and fifty dollars. $150.00.
Enlargement of water-works, four thousand dollars. $4,000.00.
Grading and fencing, one thousand dollars. $1,000.00.
Hose, five hundred dollars. $500.00.

For the Cleveland Asylum for the Insane:

Cleveland asylum for the insane.

Current expenses, sixty-five thousand dollars. $65,000.00.
Salaries, three thousand and fifty-one dollars and eighty-four cents. $3,051.84.
Ordinary repairs and painting walls, three thousand dollars. $3,000.00.
Library, one hundred and fifty dollars. $150.00.
Improvement of ground, five hundred dollars. $500.00.
To enlarge the water-tank, two thousand dollars. $2,000.00.
For repairing barn, one thousand dollars. $1,000.00.

For the Columbus Asylum for the Insane:

Columbus asylum for the insane.

Current expenses, one hundred and ten thousand dollars. $110,000.00.
Salaries, three thousand three hundred and seventy-four dollars and thirty-four cents. $3,374.34.
For repairs, sixty-five hundred dollars. $6,500.00.
Library, two hundred and fifty dollars. $250.00.
Grading, eight thousand dollars. $8,000.00.
Ice-house and lake, two thousand dollars. $2,000.00.
New store-room, thirty-five hundred dollars. $3,500.00.
Attic wards and furniture, one thousand dollars. $1,000.00.
Milk-house, one thousand dollars. $1,000.00.
Purchase of cows, twelve hundred and fifty dollars. $1,250.00.
Slaughter-house, four hundred dollars. $400.00.
For telephone (provided the annual rental of all instruments used therewith shall not exceed one hundred dollars), one thousand dollars. $1,000.00.
For extra pay to superintendent for superintending the construction of new store-room and overseeing the grading of the grounds, one thousand dollars. $1,000.00.

For Dayton Asylum for the Insane:

Dayton asylum for the insane.

Current expenses, fifty-three thousand dollars. $53,000.00.
Salaries, three thousand and two dollars and sixty-five cents. $3,002.65.

Ordinary repairs and painting, three thousand dollars. $3,000.00.

Library, one hundred and fifty dollars. $150.00.

Furniture for wards, eight hundred dollars. $800.00.

Improving grounds and lake, one hundred dollars. $100.00.

For purchase of one acre of land, one hundred and fifty dollars. $150.00.

Cooking range, one thousand dollars. $1,000.00.

For coal-house, two thousand dollars. $2,000.00.

For Longview Asylum:

Longview asylum for the insane.

A sum to be ascertained by the auditor of state, which shall bear the same proportion to the appropriations for the other asylums for the insane of the state as the population of Hamilton county bears to the whole population of the state, as appears by the last federal census.

For the Lucas County Asylum for the Insane:

Lucas county asylum for the insane.

To support patients under contract, authorized by joint resolution, ten thousand dollars. $10,000.00.

For the Asylum for the Deaf and Dumb:

Asylum for the deaf and dumb.

Current expenses, forty-eight thousand dollars. $48.000.00.

Salaries, fourteen thousand dollars. $14,000 00.

Ordinary repairs, two thousand dollars. $2,000.00.

Printing department, twelve hundred dollars. $1,200.00.

For fire protection, fifteen hundred dollars. $1,500.00.

For Asylum for Imbecile Youth:

Asylum for imbecile youth.

Current expenses, fifty-one thousand five hundred dollars. $51,500 00.

Salaries, eight thousand dollars. $8,000.00.

Ordinary repairs, twenty-five hundred dollars. $2,500.00.

Sewerage, three thousand dollars. $3,000.00.

For building water-tower, six thousand eight hundred and eighty-nine dollars and ten cents. $6,889.10.

For plumbing, fourteen hundred and fourteen dollars. $1,414.00.

For Blind Asylum:

Blind asylum.

Current expenses, twenty-two thousand dollars. $22,000.00.

Salaries, seventy-five hundred dollars. $7,500.00.

Ordinary repairs, one thousand dollars. $1,000.00.

Furniture, five hundred dollars. $500.00.

Musical instruments and apparatus, three hundred dollars. $300.00.

For Reform Farm School:

Reform farm school.

Current expenses, twenty-seven thousand dollars. $27,000.00.

Salaries, eight thousand dollars. $8,000.00.
Ordinary repairs, one thousand dollars. $1,000.00.
Laundry and machinery, two thousand dollars. $2,000.00.
Repairing chapel, one thousand dollars. $1,000.00.
Coal-house and boilers, one thousand dollars. $1,000.00.
Bake-house, three hundred dollars. $300.00.

For Toledo House of Refuge:

Toledo house of refuge.

For support of boys, under contract authorized by joint resolution, passed February 5, A.D. 1878, eleven thousand dollars. $11,000.00. Provided, that the attorney-general may require the transfer of the inmates to the Ohio reform school when there is room, and when such transfer is made, the unexpended balance of said eleven thousand dollars ($11.000.00) shall be placed to the credit of the Ohio reform school.

For Girls' Industrial Home:

Girls' industrial home.

Current expenses, fourteen thousand two hundred dollars. $14,200 00.
Salaries, five thousand four hundred and fifty dollars. $5,450.00.
Ordinary repairs, two thousand dollars. $2,000.00.
Improvement of lawn and grounds, five hundred dollars. $500.00
Library, two hundred dollars. $200.00.
Dairy, five hundred dollars. $500.00.
Purchasing cows, eight hundred dollars. $800.00.
Improving farm, one thousand dollars. $1,000.00.
Two new buildings, each with a capacity for fifty girls, twenty-five thousand dollars. $25,000.00.
For furnishing same, two thousand dollars. $2,000.00.
For heating same, two thousand dollars. $2,000.00.
For organ for chapel, two hundred and fifty dollars. $250.00.
For purchasing five organs for family buildings, five hundred dollars. $500.00.

For Ohio Penitentiary.

Ohio penitentiary.

Current expenses, sixty thousand dollars. $60,000.00.
Salaries of directors, thirteen hundred and fifty dollars. $1,350.00.
Salary of warden, deputy warden, clerk, assistant clerk, physician, steward, chaplain, captain of the night watch, officers of the guard room, superintendents of hospital, kitchen, yard, and state shop, eighty-six hundred dollars. $8,600.00
Guards, fifty-five thousand seven hundred dollars. $55,700.00.
Rewards to convicts, forty-nine hundred dollars. $4,900.00.
Library, three hundred dollars. $300.00.
Ordinary repairs, five thousand dollars. $5,000.00.

Manufacture of gas, ten thousand dollars. $10,000.00.

Prosecution and transportation of convicts, one hundred and twenty thousand dollars. $120,000.00.

Estimate of gas works, twenty-five hundred dollars. $2,500.00.

New roof, six thousand dollars. $6,000.00.

New mill and wash-house, five thousand dollars. $5,000.00.

For enlargement and repairs, three thousand dollars. $3,000.00.

For the payment of Hiram Huston, late guard in the guard-room, the sum of two hundred and forty dollars. $240 00.

For Ohio Soldiers' and Sailors' Orphans' Home.

Ohio soldiers' and sailors' orphans' home.

Current expenses, forty-seven thousand dollars. $47,000.00.

Salaries, ten thousand five hundred dollars. $10,500.00.

Industrial pursuits, twenty-five hundred dollars. $2,500.00.

Purchase of cows, five hundred dollars. $500.00.

Ordinary repairs, including resetting of boilers, new pump at gas-house and tunnel, and to construct a line of telegraph connecting with the fire alarm at Xenia, twenty-five hundred dollars. $2,500.00.

Furnishing new school house, five hundred dollars. $500.00.

Support of orphans outside of home, four thousand dollars. $4,000.00.

For Ohio State University.

Ohio state university.

Farm improvements and stock, three thousand dollars $3,000.00.

For mechanical labratory and equipment, nine thousand six hundred dollars. $9,600 00.

River improvement, fifteen hundred dollars. $1,500.00.

Solar compass, five hundred dollars, $500.00.

Chemical analysis required by state law, twelve hundred dollars. $1,200.00.

For Board of State Charities.

Board of state charities.

For salary of secretary, and traveling expenses of same, and members of the board, fifteen hundred dollars. $1,500.00.

For Expenses of Trustees of Benevolent Institutions.

Expenses of trustees of benevolent institutions.

The necessary expenses of the trustees of the various benevolent institutions, to be paid on full itemized accounts, certified to by each trustee for himself, and filed with the state auditor, twelve hundred dollars. $1,200.00.

No deficiency to be created in any of the public institutions.

SEC. 2. No deficiences shall be created in any of the public institutions of the state, excepting only for necessary current expenses, and no deficiency whatever shall be created on account of grading, improving, or repairing, painting, furnishing, fencing, paving, salaries, or compensation, or any other account whatever in any of said institutions, unless such repairs are necessary to the preservation of the buildings, and the fixtures thereto, and the protection of the inmates. No

No compensation allowed any one beyond amounts appropriated.

compensation shall be paid, allowed, or promise to any clerk, or other employé, beyond the amounts herein specifically appropriated for such purpose, nor shall any repairs be made or expenses incurred whatever exceeding the amounts herein appropriated for such purpose, except as above provided, nor shall any money appropriated herein for a specific purpose be used for any other purpose; when appropriations are made for salaries, the trustees shall so apportion the same among officers and teachers, that all salaries shall be paid in full to February 15, 1880, so that no deficiencies shall be created on this account.

SEC. 3. This act shall take effect on its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 22, 1879.

[Amended House Bill No. 982.]

AN ACT

Making appropriations for the fiscal year 1879, and the first quarter of the fiscal year 1880.

Appropriations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in addition to the appropriations made for the year 1879, there is hereby appropriated for the year 1879, and the first quarter of the year 1880, out of any moneys in the treasury, (the following sums, to wit:) to the credit of the general revenue fund, not otherwise appropriated, the following sums, to wit:

For State Board of Agriculture:

State board of agriculture.

Encouragement of agriculture, twenty-two hundred and fifty dollars. $2,250.00.

Contingent expenses, payable upon vouchers approved by the auditor and filed in his office, three hundred dollars. $300.00.

Horticultural society, to be paid to the president thereof, upon vouchers to be approved by the auditor and filed in his office, three hundred and seventy-five dollars. $375.00.

For Board of Public Works:

Board of public works.

Salaries of members, eighteen hundred dollars. $1,800.00.

Salaries of resident engineers, thirty six hundred dollars. $3,600.00.

Salary of chief clerk, for one year, eight hundred dollars. $800.00.

Salary of assistant clerk, for one year, seven hundred dollars. $700.00.

For contingent expenses, two hundred and forty dollars. $240.00.

The last five items to be paid out of the receipts from the canals.

For Western Reserve and Maumee road, whatever money may be collected and paid into the treasury to the credit of said road, between the fifteenth of February, 1879, and the fifteenth of February, 1880.

To pay expenses to recover possession of certain lands in Union county, Ohio, one hundred dollars. $100.00.

For Attorney-General:

Attorney-general.

Salary of clerk, four hundred and fifty dollars. $450.00.
Contingent expenses, three hundred dollars. $300.00.

For Auditor of State:

Auditor of state.

Salary of chief clerk, fifteen hundred dollars. $1,500.00.
Salary of book-keeper, eleven hundred and twenty-five dollars. $1,125.00.
Salary of land clerk, eleven hundred and twenty-five dollars. $1,125.00.
Salary of general account and miscellaneous clerk, one thousand dollars. $1,000.00.
Salary of trust fund clerk, one thousand dollars. $1,000.00.
Salary of statistical, bank, and railroad clerk, eleven hundred and twenty-five dollars. $1,125.00.
Contingent expenses, seventeen hundred dollars. $1,700.00.
Iron file case, two hundred and fifty dollars. $250.00.

For Commissioner of Fisheries:

Commissioner of fisheries.

Expenses, four thousand dollars. $4,000.00.

For Commissioner of Railroads and Telegraphs:

Commissioner of railroads.

Salary of one clerk, nine hundred dollars. $900.00.
Contingent expenses, two hundred and fifty dollars. $250.00.

For Commissioner of State Common Schools:

Commissioner of common schools.

Salary of chief clerk, thirteen hundred and fifty dollars. $1,350.00.
Salary of clerk, nine hundred dollars. $900.00.
Contingent expenses, three hundred and fifty dollars. $350.00.
Traveling expenses, four hundred and fifty dollars. $450.00.

For Governor's Office:

Governor's office.

Salary of executive clerk, eleven hundred and twenty-five dollars. $1,125.00.
Contingent expenses, fourteen hundred dollars. $1,400.00.
For furniture and carpet, five hundred dollars. $500.00.

For Insurance Department:

Insurance department.

Salary of chief clerk, thirteen hundred dollars. $1,300.00.
Salary of assistant clerk, nine hundred dollars. $900.00.
Clerk hire, two thousand dollars. $2,000 00.
Contingent expenses, seven hundred dollars. $700.00.
Examinations of insurance companies, a sum not exceeding the receipts from such companies for such purpose.

For Judiciary:

Judiciary.

Salaries of supreme, superior, and common pleas judges, one hundred and twenty-seven thousand dollars. $127,000.00.

For the Legislature:

Legislature.

Per diem and mileage of members of the general assembly, and per diem of clerks, assistant clerks, sergeant-at-arms, assistant sergeant-at-arms, and payment of messengers, pages, and other employés, fifty thousand dollars. $50,000 00.
Contingent expenses of both houses, one thousand dollars. $1,000.00.
Contingent expenses of clerk of senate after adjournment, fifty dollars. $50.00.
Contingent expenses of clerk of house after adjournment, one hundred dollars. $100 00.
Expenses of committees, four thousand dollars. $4,000.00.
Balance for furniture for house of representatives, seven hundred and fifty-nine dollars. $759.00.

For Law Library:

Law library.

Books, fifteen hundred dollars. $1,500.00. To be expended under the direction of the judges of the supreme court.
Salary of assistant librarian and messenger of supreme court, seven hundred and fifty dollars. $750.00.

For State Library:

State library.

Books, five hundred dollars ($500.00), and out of the appropriation for contingent expenses the further sum of five hundred dollars. $500.00.
Salary of assistant librarian, seven hundred and fifty dollars. $750.00.
For shelving and book-cases, three hundred dollars. $300.00.

For Inspector of Mines:

Inspector of mines.

Salary, fifteen hundred dollars. $1,500.00.
Contingent expenses, two hundred dollars. $200.00.

For Secretary of State:

Secretary of state.

Salary of chief clerk, fifteen hundred dollars. $1,500.00.
Salary of statistical clerk, eleven hundred and twenty-five undred dollars. $1,125.00.

Salary of stationery clerk, one thousand and fifty dollars. $1,050.00.

Salary of corporation clerk, one thousand and fifty dollars. $1,050.00.

Salary of recording clerk, one thousand and fifty dollars. $1,050.00.

Contingent expenses, one thousand dollars. $1,000 00.

Stationery, thirty-five thousand dollars. $35,000.00.

Distribution of laws, journals, and public documents, two thousand three hundred dollars. $2,300.00.

Purchase of Ohio state reports, seventeen hundred and fifty dollars. $1,750.00.

For Supervisor of Public Printing:

Supervisor of public printing.

State printing, eighteen thousand dollars. $18,000 00.

State binding, twenty-five thousand dollars. $25,000.00.

Contingent fund, one hundred and fifty dollars. $150.00.

For Supreme Court:

Supreme court.

Salary of assistant clerk, nine hundred and seventy-five dollars. $975.00.

Salary of reporter, six hundred dollars. $600.00.

Contingent expenses, to be expended only on the order of the court, four hundred dollars. $400.00.

Contingent expenses of the clerk, three hundred dollars. $300.00.

Contingent expenses of reporter, one hundred and fifty dollars. $150.00.

For completing reports of supreme court commission, payable on certificate of attorney-general when fully completed, five hundred dollars. $500.00.

For Salaries of State Officers:

State officers.

Salaries of governor, lieutenant-governor, auditor, secretary, and treasurer of state, commissioner of common schools, superintendent of insurance, attorney-general, clerk of supreme court, commissioner of railroads and telegraphs, state librarian, law librarian, private secretary of the governor, and supervisor of public printing and binding, twenty-two thousand dollars. $22,000.00.

For Labor Statistics:

Labor statistics.

Salary of commissioner, fifteen hundred dollars. $1,500.00.

Contingent expenses, one hundred and fifty dollars. $150.00.

Traveling expenses, fifty dollars. $50.00.

For Treasurer of State:

Treasurer of state.

Salary of cashier, fifteen hundred dollars. $1,500.00.

Salaries of two book-keepers, two thousand and twenty-five dollars. $2,025.00.

Contingent expenses, five hundred and fifty dollars. $550.00.

Night watches of treasury, eleven hundred and forty-six dollars and fifty-six cents. $1,146.56.

Collecting drafts on county treasurers, seventy-five dollars. $75.00.

Mileage of county treasurers, nineteen hundred dollars. $1,900 00.

Alarm telegraph, one year, sixty dollars. $60 00.

New carpet, two hundred and sixty dollars. $260.00.

For new time-lock, with battery attachment, four hundred dollars. $400.00.

Miscellaneous:

Miscellaneous.

For repairing roof state house, to be done under the direction of the secretary of state, the treasurer of state, and the superintendent of state house, the sum of twenty-four hundred dollars. $2,400.00.

For refunding taxes to Ohio University (O. L., 72, p. 84), three hundred and twenty-four dollars and thirty-four cents. $324.34.

For improvement made in basement of capitol, to be paid on order of the secretary of state, six hundred dollars. $600.00.

For completion of survey, and the erection of monuments on the line between the states of Ohio and Pennsylvania, three thousand dollars. $3,000.00.

One hundred dollars to place the state coat-of-arms over the Ohio room at Mt. Vernon, Virginia.

SEC. 2. No deficiencies on any account shall be created by any officer or other person.

Appropriations in full to February 15, 1880.

SEC. 3. The appropriations herein made for the payment of clerks in the several departments shall be in full to and including February 15, 1880, and no compensation shall be paid, allowed, or promised to any clerk or other employé beyond the amounts specifically appropriated for such purpose; nor shall any pay be allowed to any of them for extra work of any kind; nor shall any expenses be incurred, or any liability be created, in excess of the appropriations made for such purposes; nor shall any liability be created for any purpose for which no appropriation has been made; nor shall any money appropriated herein for a specific purpose be used for any other purpose.

No deficiency allowed.

SEC. 4. This act shall take effect on its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 22, 1879.

[House Bill No. 867.]

AN ACT

To change certain specified times fixed for holding court of common pleas in the counties of Hardin and Logan, for the year A.D. 1879.

Changing time of holding common pleas court.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the time fixed by the judges of the third judicial district, for holding a term of the common pleas court in the county of Hardin, on the 7th day of October, 1879, be changed so as to hold said term on the 15th day of October, 1879, and that the time fixed by said judges for holding a term of the common pleas court in the county of Logan, on the 4th day of November, 1879, be changed so as to hold said term on the 11th day of November, 1879.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 22, 1879.

[House Bill No. 681.]

AN ACT

To amend section 21, of chapter 2, division 3, of the act of May 14, 1878, entitled "an act to revise and consolidate the laws relating to civil procedure in courts of common pleas and superior courts, in district courts on appeal, and also the laws relating to procedure in error, mandamus, and quo warranto." (Vol. 75, O. L., p. 597–641.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section twenty-one (21), chapter two (2), division three (3), of the above entitled act be so amended as to read as follows:

Compensation of jurors.

Section 21. Each grand and petit juror shall be allowed the sum of two dollars per day for each day he serves, and, if not a talesman, five cents per mile from his place of residence to the county seat; a talesman on a petit jury shall receive one dollar per day for each day he serves; and such compensation shall be certified by the clerk of the court, and paid by the county treasurer on the order of the county auditor.

SEC. 2. That said section twenty-one, chapter two, division three, of said act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 22, 1879.

[House Bill No. 844.]

AN ACT

To amend the act of May 7, 1878, entitled "an act to revise and consolidate the laws relating to procedure in the probate court." [75 v. 836.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one hundred and fifty, of chapter two, of said act be amended so as to read as follows:

Making service. Proviso.

Section 150. Service either actual or constructive shall be made in the same manner as in other civil actions: provided, that if all persons in interest consent in writing to the sale, service of process may be dispensed with; and legal guardians may sign such consent for their wards, except guardians of the persons only of minors, or the summons may, unless otherwise ordered by the court, be served by the plaintiff, or other person, by copy personally, and the return of such service shall be verified by the oath of the person making the same; and all proceedings in the action in either court shall be the same as in other civil actions, except as otherwise herein provided. [38 v. 146, §§ 125, 126, 128; S. & C. 566.]

SEC. 2. Said original section is hereby repealed, and this act shall take effect from its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 22, 1879.

[House Bill No. 880.]

AN ACT

To amend section 14, chapter 9, of an act entitled an act to revise and consolidate the laws relating to procedure in the probate court. (O. L., vol. 75, page 960.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That said section fourteen be amended so as to read as follows:

Return of recognizances.

Section 14. All recognizances which shall or may be taken by any justice of the peace in said counties, or other officers in said counties authorized to take the same, and all transcripts of criminal cases, within the jurisdiction of said probate court, as defined by law, may be returned either to the probate court or the court of common pleas of said counties; and the same shall be returned to one or the other of said courts, forthwith after the commitment of the person charged with the offense, or after the taking of a recognizance, for his appearance before one or the other of said courts; and which ever of said courts the same may be returned to, or the accused may by the terms of the recognizance be required to

appear in, the prosecuting attorney may, at his election, proceed in either of said courts with the prosecution, and the accused shall be bound to appear therein and answer to his recognizance; and, on demand by the prosecuting attorney, the probate judge, or clerk of the court of common pleas, shall certify the recognizance, and all other papers in the case, returned to his court by the justice, or other officer to the court in which the prosecuting attorney elects to proceed.

Prosecuting attorney, discretionary powers.

SEC. 2. That said original section fourteen be and the same is hereby repealed, and this act shall take effect on its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 22, 1879.

[House Bill No. 794]

AN ACT

Supplementary to an act entitled "an act in regard to the boundary monuments on the line between the states of Ohio and Pennsylvania." (O. L., vol. 75, page 130.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in addition to the powers conferred and the duties imposed upon the commissioners appointed under said act, they shall have authority, and it is hereby made the duty of said commissioners, acting in connection with the commissioners appointed by the governor of Pennsylvania, to erect suitable monuments along the boundary line, when determined, sufficient to properly mark said boundary line: provided, where the boundary line is along any public highway, the commissioners shall place index monuments at recorded distances from the true line upon the side of said highway.

Boundary line monuments.

SEC. 2. This act shall take effect and be in force on and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 27, 1879.

[House Bill No. 662.]

AN ACT

To amend section five, of chapter one, of an act entitled "an act to revise and consolidate the laws relating to procedure in the probate court." (Ohio Laws, vol. 75, page 639.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five, chapter one, of an act entitled "an act to revise and consolidate the laws relating to procedure in the probate court" be amended so as to read as follows:

Depositing will.

Section 5. Any will in writing may be deposited, by the person making the same, or by some person for him, in the office of the judge of the probate court in the county in which such testator lives, to be safely kept until delivered or disposed of as hereinafter provided; and said probate judge, on being paid the fee of one dollar therefor, shall receive and keep such will, and give a certificate of deposit therefor;

Probate of will.

and no will shall be admitted to probate without notice to the widow or husband and next of kin of the testator, if any, resident in the state, in such manner and for such time as the probate court shall direct or approve. [50 v. 297, § 3; S. & C. 1615.]

SEC. 2. That said section five, of chapter one, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 27, 1879.

[House Bill No. 597.]

AN ACT

To enable soldiers' and mariners' of the Union army monument association to record the names of the fallen soldiers and mariners of the Union army.

Duties of assessors in counties containing soldiers' monument association.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all counties in the state wherein there is a soldiers' monument association it shall be the duty of the assessors in the several wards, election districts, and townships, in such counties, when they are making the assessment of eighteen hundred and eighty, to take an enumeration, by name, of each and every deceased soldier and marine who died in the service of the United States during the late war, from 1861 to 1865 inclusive, from their several wards, townships, and election districts, being residents therein when entering said service, naming the company and regiment to which they belonged, age, and time and place of

death, and cause thereof, and to make returns of the same to the county recorder.

Duties of recorder.

SEC. 2. That it shall be the duty of the recorder of each county having a soldiers' monument association, to make out a list of all deceased soldiers as returned by said assessors, alphabetically arranged, embodying the facts collected by said assessors, and to record in a book, to be provided by the county for that purpose, all lists and names of such deceased soldiers, furnished as aforesaid, and to make a full and complete record of the same; and for such name and facts connected therewith so recorded, said recorder shall receive from the county the sum of five cents, the same to be allowed by the county commissioners.

Compensation.

Counties not having such association.

SEC. 3. That the provisions of this act shall extend to and include any county not having a soldiers' monument association, as soon as such organization shall have been formed in any county; and after a written request for said enumeration shall have been made by such association and filed in the office of the county auditor, the enumeration hereinbefore provided for shall be taken by said assessors, at the next assessment after such request shall have been filed.

SEC. 4. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 27, 1879.

[House Bill No. 833.]

AN ACT

To amend the act of May 7, 1878, entitled "an act to revise and consolidate the laws relating to procedure in the probate court." (75 v. 836.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two hundred and eleven, of chapter two, of said act be amended so as to read as follows:

Section 211. Any executor or administrator may maintain a civil action in the court of common pleas against the creditors, legatees, or distributees, or other parties asking the direction or judgment of the court, in any matter respecting the trust, estate, or property to be administered, and the rights of the parties in interest, in the same manner, and as fully as was formerly entertained in courts of chancery; and in case any executor or administrator, after being requested in writing by any creditor, legatee, distributee, or other party in interest, to bring such action, shall,

Civil action in court of common pleas.

for thirty days, fail so to do, the creditor, legatee, distributee, or other party making such request, may institute the same.

SEC. 2 Said original section is hereby repealed, and this act shall take effect from its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 27, 1879.

[Senate Bill No. 377.]

AN ACT

To provide for the payment of the amounts of assessments in excess of twenty-five per cent. of the value of the lots or lands assessed for an improvement in cities of the first grade of the first class

Assessment for improvement.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever, in any city of the first grade of the first class, an assessment for an improvement has been delivered to any person in payment for such improvement, and the value of the lots or lands assessed shall have been established in an action to subject said lots or lands to the payment of such assessment, and the corporation is unable to pay, out of the general revenue, the cost of such improvement in excess of twenty-five per centum of the value of such lots or lands so ascertained, the board of city commissioners of such city shall authorize its president and the city auditor to execute, sign, and issue the bonds of said corporation, payable in ten years from the date of their issue, to bear not less than four nor more than six per cent. per annum interest, interest payable semi-annually, for the remainder of any such assessments in excess of twenty-five per centum of the value of such lots or lands; said bonds to be received at par by the contractor or his assignee, or said bonds may be sold at not less than par, and the proceeds applied to the payment of such indebtedness; and the said board of city commissioners shall annually certify to the council a tax levy, sufficient to pay the one-tenth part of the principal and interest of said bonds, to provide a fund, which shall be paid into the sinking fund for the redemption of said bonds and interest: provided, however, that the amount of bonds so issued shall not exceed the sum of forty thousand dollars, and that the rate of the annual tax levy shall not be increased thereby.

Providing for payment of assessments.

Proviso.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 3, 1879.

[House Bill No. 397.]

AN ACT

Authorizing the removal of obstructions from the Miami river, in Logan county.

Obstructions in the Miami river.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any person to throw, or cause to be thrown, any timber, sawdust, or other matter into the Miami river, between the Lewistown reservoir and the village of Logansville, in Logan county, or upon or into any place from which the same will wash into such river, which may cause said stream to become obstructed, or to prevent the free flow of the waters thereof.

Duties of county commissioners.

SEC. 2. That the county commissioners of said county shall, upon application, in writing, of any one interested, whenever they are satisfied that said river is becoming or has become obstructed, from any cause whatever, to notify such number of land owners whose lands are adjucent to or near said stream and will be benefited thereby, to cause said obstruction, or such portions thereof as said commissioners in their order may determine, to be removed within such time as said commissioners shall deem reasonable; and, in the event such land owner or owners as aforesaid shall neglect to cause the same to be removed, after notice, within the time required, then said commissioners shall cause said obstructions to be removed, and the cost and expense thereof shall be assessed upon the lands of such landowner or owners, so neglecting as aforesaid, in proportion to the benefit derived, which shall be collected as other assessments.

Giving notice.

SEC. 3. That if any of the parties whose lands will be benefited by such removal are non-residents of the county, then personal notice served upon their agent, or by publication for three consecutive weeks in some newspaper printed in and of general circulation in said county, shall be considered a sufficient notice.

Rights of landowners.

SEC. 4. That said land owners shall have the same right to appeal from the orders of said commissioners as is allowed by the provisions of the laws in force relating to the location of ditches, drains, and water-courses.

SEC. 5. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 5, 1879.

[House Bill No. 924.]

AN ACT

To amend the act of May 14, 1878, entitled "an act to amend, revise, and consolidate the statutes relating to municipal corporations, to be known as title twelve, part one, of the act to revise and consolidate the general statutes of Ohio." (Vol. 75 O. L., p. 161.)

Organizing village or hamlet.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one (1), chapter two (2), division two (2), of the above entitled act be so amended as to read as follows:

Section 1. The inhabitants of any territory laid off into village or hamlet lots, a plat of which territory has been acknowledged and recorded, as is provided with respect to deeds, or the inhabitants of any territory which has been laid off into such lots, and surveyed and platted by an engineer or surveyor, who certifies thereon, under oath, to its correctness, and which is recorded as is provided with respect to deeds, or the inhabitants of any island or adjacent island, or parts thereof, or of such island or islands, or parts thereof, and adjacent territory, may obtain the organization of a village or hamlet, in the manner provided in this title; but the territory of such village or hamlet shall not adjoin a city; and when such village or hamlet is organized upon any island or islands, it may be done without reference to the number of permanent inhabitants embraced within such territory, and without such plat having been first made: provided, that no corporation under this chapter shall embrace within its limits the ground or improvements of any county or city infirmary.

Proviso.

SEC. 2. That said section one (1), chapter two (2), division two (2), of said act be and the same is hereby repealed.

SEC. 3. This act shall take effect on its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.

JABEZ W. FITCH,
President of the Senate.

Passed June 5, 1879.

[House Bill No 443.]

AN ACT

To authorize the election of one additional judge of the court of common pleas in the first subdivision of the seventh judicial district of the state of Ohio.

Additional judge of common pleas court.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be one additional judge of the court of common pleas in and for the seventh judicial district of the state of Ohio, who shall be a resident of the first subdivision thereof, and who shall be elected by the qualified electors of the counties of Fairfield, Perry, and Hocking, comprising said first subdivision.

Election and term of office.

SEC. 2. That the election for said additional judge shall be held at the annual election therein for state officers, on

the second Tuesday in October, A. D. 1879, and his term of office shall commence on the first Monday of December thereafter, and continue for five years.

Election notice.

SEC. 3. That it shall be the duty of the sheriff in each county in said subdivision, at least fifteen days prior to the said second Tuesday in October, A. D. 1879, to give notice, by proclamation, as is now provided by law, of the time and place of holding such election, which shall be conducted, and the returns thereof made in the same manner as required by law in case of the election of judge of the court of common pleas.

SEC. 4. That said judge, when elected and qualified, shall receive the same compensation as other judges of said court, and shall also, in every respect, have the same jurisdiction, possess the same powers, discharge the same duties, and incur the same penalties as are now, or may hereafter be enforced or enjoined by the constitution and laws of the state of Ohio upon other judges of said court.

When vacancy occurs.

SEC. 5. That when a vacancy shall occur in the office of said additional judge, such vacancy shall be filled as in vacancies in the office of the other judges of said court.

SEC. 6. This act shall be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 5, 1879.

[House Bill No. 952.]

AN ACT

To regulate the fees and compensation of county auditors, probate judges, clerks of the courts, sheriffs, coroners, treasurers, and recorders.

Compensation of county auditors.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the several county auditors shall hereafter receive compensation per annum for their services as follows: In counties having two thousand male inhabitants above the age of twenty-one years, the auditor shall receive eight hundred dollars per year; and in counties having more than two thousand such inhabitants, the auditor shall receive the like sum respectively, and in addition thereto shall receive for each year the sum of twelve dollars for each additional one hundred such inhabitants above two thousand in such county. [74 v. 124, § 1.]

Additional compensation of county auditors.

SEC. 2. The several county auditors shall receive compensation for their services, in addition to that provided for in the preceding section, as follows: In counties having a population of less than three thousand five hundred such inhabitants, two hundred dollars; in counties having three

thousand five hundred and less than four thousand five hundred such inhabitants, two hundred and forty dollars; in counties having four thousand five hundred and less than five thousand five hundred such inhabitants, two hundred and eighty dollars; in counties having five thousand five hundred and less than six thousand five hundred such inhabitants, three hundred and twenty dollars; in counties having six thousand five hundred and less than seven thousand five hunred such inhabitants, three hundred and sixty dollars; in counties having seven thousand five hundred and less than eight thousand five hundred such inhabitants, four hundred dollars; in counties having eight thousand five hundred and less than nine thousand five hundred such inhabitants, four hundred and forty dollars; in counties having nine thousand five hundred and less than ten thousand five hundred such inhabitants, four hundred and eighty dollars; in counties having ten thousand five hundred and less than eleven thousand five hundred such inhabitants, five hundred and twenty dollars; in counties having eleven thousand five hundred such inhabitants, five hundred and twenty dollars; in counties having eleven thousand five hundred and less than fifteen thousand such inhabitants, one thousand and forty dollars; in counties having fifteen thousand and less than seventeen thousand five hundred such inhabitants, eleven hundred and twenty dollars; in counties having seventeen thousand five hundred and less than twenty thousand such inhabitants, twelve hundred dollars; in counties having twenty thousand and less than twenty-five thousand such inhabitants, fourteen hundred dollars; in counties having twenty-five thousand and less than forty thousand such inhabitants, twenty-four hundred dollars; in counties having forty thousand and less than fifty thousand such inhabitants, twenty-eight hundred dollars. [74 v. 124, § 2.

Compensation for other duties.

SEC. 3. In addition to the compensation specified in the two preceding sections, the auditors of the several counties shall receive the compensation provided by law for their services as members of the boards for listing railroads, for their services under the school laws, for their services as county sealers, and for their services in filing away statements of taxable property, and also four per centum of the amount of tax collected and paid into the county treasury, property omitted and placed by them on the tax duplicate. [74 v. 124, § 3; 73 v. 221, § 1.]

How to determine compensation.

SEC. 4. In determining the compensation of county auditors, according to male inhabitants over twenty-one years of age, the county commissioners shall be governed by the quadrennial enumeration of these inhabitants provided for by law. [74 v. 124, § 4.]

Fees county auditors are entitled to.

SEC. 5. The county auditors are authorized to charge and receive, for their own use, fees as follows: For certificate of sale of school land, to be paid by the purchaser, twenty-five

cents; for certificate of payment of installment into the treasury on school lands, to be paid by the purchaser, fifteen cents; for final certificate of payment for school lands, to be paid by the purchaser, seventy five cents; for deed of lands sold for taxes, to be paid by the purchaser, one dollar; for the transfer of an entry of land. lot, or part of lot, to be paid by the person requiring the same, eight cents; but the whole amount of the fees for transfers of real estate described in any one deed. plat, or other instrument, shall not exceed one dollar and fifty cents. [74 v. 124, § 5.]

Fees of auditors under free turnpike law.

SEC. 6. The auditors of the several counties shall receive the following fees, to be paid out of the county treasury, for their services under the free turnpike laws: For all free turnpike road work, where the same has been granted and road commissioners appointed to lay out, locate, and construct the same; for recording the proceedings of the county commissioners, apportionment of road commissioners, and all other recording required in making a complete record, for each hundred words (where figures are used, three figures are to be counted one word), eight cents; and for making out special tax duplicates, for the purpose of collecting the tax from the owners of each and every description of lots and lands and personal property within the bounds of said roads, as shown by the maps returned to the county auditor by the county road commissioners, for each and every description of property sought to be assessed, eight cents. [74 v. 124, § 6]

Fees of auditors under improved road laws.

SEC. 7. The auditors of the several counties shall receive the following fees, to be paid out of the county treasury, for their services under the improved road laws: For recording papers, proceedings, apportionments, and all other recording required in making up a complete record of improved roads, for each hundred words (where figures are used, three figures to be counted as one word), eight cents; and for making out special tax duplicate, for the purpose of collecting the tax from the owners on each and every description of lots, lands, and personal property sought to be assessed for such improvement, eight cents. [74 v 124, § 7.]

Fees of auditors under ditch laws.

SEC. 8. The auditors of the several counties shall receive the following fees, to be paid out of the county treasury, for their services under the ditch laws: For recording all proceedings, apportionments, and other recording necessary to make a complete ditch record of all ditches established by the county commissioners, for each hundred words (where figures are used, three figures to be counted as one word), eight cents; for placing unpaid ditch taxes on the duplicate, for each and every description of land, lot, or part of lot so assessed, five cents. [74 v. 124, § 8.]

Allowance for clerks.

SEC. 9. The county commissioners of the several counties have authority, and are required to make an additional allowance to the county auditor for clerk hire, not exceeding twenty-five per cent. of the annual allowance made in the

preceding sections, in the years when the real property is required by law to be re-appraised. [74 v. 124, § 9.]

How claims shall be collected.

SEC. 10. All claims for services of the county auditors, which are payable from the county treasury, shall be made out in detail according to the rates named in the foregoing sections, and shall be presented to the county commissioners, who, after being satisfied that the labor has been performed, shall allow said bill or claim, and cause the same to be spread upon the minutes of their board; and, after being so allowed, the county auditor is authorized to draw his warrant upon the treasurer of the county for the amount of the bill or claim so allowed. [74 v. 124, § 10.]

Auditors to receive no further compensation or fees.

SEC. 11. The fees and compensation provided for by the foregoing sections shall be in full for all services lawfully required to be done by the auditors of such counties; and it shall be unlawful for any county auditor to charge or receive any other or further fees or compensation, either as clerk of the board of county commissioners, board of equalization, or any other board of which he may be clerk, or for any other services rendered by him. [74 v. 124, § 11.]

SEC. 12. The compensation for the services of the several county auditors in the state, provided for in this chapter, shall not be applicable to the compensation for the services of the auditor of Hamilton county. [74 v. 124, § 12.]

PROBATE JUDGE.

Fees of probate judge.

SEC. 13. That each probate judge in this state shall receive, for services rendered, the fees herein provided and no more: For docketing each case to be charged but once, four cents; for entering the appearance of the parties to be charged but once, eight cents, in each case; for taking affidavit, ten cents; for issuing summons or other writs under seal, twenty cents each; for entering order to advertise, twenty cents; for filing petition answer, or any other papers necessary to complete the pleading in any cause, four cents; and for all other papers, except accounts current and vouchers of executors, administrators, and guardians, four cents each; for entering the return of any writ, four cents; for issuing a subpœna when there is but one witness named, ten cents; and for every additional name, four cents; for swearing each witness, three cents; for entering attendance of each witness, five cents; for indexing each cause, eight cents; for entering judgment on journal, eight cents; for recording general verdict, eight cents; for entering order on journal, eight cents; for each one hundred words, for transcribing judgment or orders on the docket, eight cents; for entering satisfactions of judgment on decree on record, eight cents; for entering every special rule, four cents; for entering every continuance, discontinuance, or retraxit, eight cents; for entering rule of reference, eight cents; and for giving a copy thereof under seal, twenty cents; for entering

notice of appeal, eight cents; for drawing cost bill, twenty-five cents, which shall be taxed but once in each case; for making up complete record in cause, eight cents for each one hundred words such record may contain: provided, no final record shall be made in any case except when the title of real estate is drawn in question, or where the court may order the same, or where either party may require it, at his own cost; for making out copies or records or any proceedings in a cause, when required by either party or the law, with a seal annexed, eight cents for each one hundred words; for entering an allowance of an injunction, certiorari, or habeas corpus, eight cents; for issuing execution, twenty-five cents; for docketing each execution issued, eight cents; for issuing order of sale, twenty-five cents, and eight cents for every hundred words said writ may contain over the first hundred; for recording returns on writs of execution and orders of sale, eight cents for each one hundred words; for each certificate to which the seal of the court is required and not herein provided for, thirty-five cents; for probate of will and entry thereof, thirty cents; for issuing letters testamentary, or letters of administration or guardianship under seal of court, seventy-five cents; for taking bonds of executors, administrators, or guardians, twenty-five cents; for recording a bond, will, inventory, sale bill, or settlement of executors, administrators, or guardians, eight cents for every one hundred words; for making out copies of wills, inventories, sale bills, settlements, or rules of court ordered or to be furnished by executors and guardians, eight cents for each one hundred words; for entering the appointment of executors, administrators, or guardians, or appraisers of property, ten cents; for copy of order to appraisers, ten cents; for filing an account, warrant, and voucher of an executor, administrator, or guardian, for settlement and entering the same on the minutes of the court, fifteen cents; for entering order of settlement of same, twelve cents; for examining partial or final settlements of guardians, executors, or administrators, seventy-five cents each; where there are not more than fifty vouchers to be examined, and if any account shall contain more than fifty vouchers, the sum of two cents for each additional voucher so examined; for issuing citation to executors, administrators, or guardians, twenty-five cents; for administering an oath when necessary, and issuing a marriage license and filing and recording the certificate of marriage, seventy-five cents; for giving notice of time of settlement, eight cents; for hearing application on behalf of idiots and lunatics, one dollar and fifty cents; for hearing application for the right-of-way of railroads, plank roads, and turnpikes, or road appeals, two dollars per day; for hearing and deciding application in contested cases, on petition of administrators, guardians, or executors to sell land, and petitions to convey, seventy-five cents; to be taxed in each of the above cases in the bill of costs, for holding

examining courts, two dollars per day; and for hearing and determining applications on habeas corpus in criminal cases, one dollar and fifty cents, to be paid out of the county treasury; for hearing and determining applications for habeas corpus in civil cases, seventy-five cents; and for hearing and determining applications in contested cases, one dollar and fifty cents, to be taxed in the bill of costs against the unsuccessful party. That the probate judge is entitled to receive for the registry of births and deaths, the sum of eight cents for the registry of each birth, and each death returned to his office, but no other compensation for any indexing or recording, or any other service whatever that is necessary to complete the records or reports required. [73 v. 127, §§ 1, 2.]

Fees for services not mentioned.

SEC. 14. For any other services not herein provided for, the same fees are allowed as for similar services in the court of common pleas. [73 v. 127, §§ 1, 2.]

Disposition of costs.

SEC. 15. The costs in all criminal proceedings taxed and adjudged in favor of the state, shall, when collected by the probate judge, be paid by him into the county treasury; and he shall administer oaths, and make certificates in pension cases, without compensation. [73 v. 127, § 4.]

CLERK OF COMMON PLEAS COURT.

Fees of clerk of common pleas court.

SEC. 16 The clerk shall, for services hereinafter specified, when rendered, receive the fees herein provided, and no more: He shall administer oaths in pension and bounty cases without compensation; for docketing each case in appearance docket, four cents; for indexing each cause in same, direct and reverse, four cents; for entering the voluntary appearance of plaintiffs and defendants, four cents each; for filing each precipe, pleading, writ, order, deposition, undertaking, bond, notice, verdict, transcript, exhibit, warrant of attorney, indictment, affidavit, bill of exceptions, or other necessary documents, four cents; for taking each affidavit, eight cents; for issuing each summons, summons in error, notice, capias, or order of arrest, order of delivery, order of attachment, order of injunction, mandamus, mandate, execution, habeas corpus, attachment for contempt, order of reference, writ of dower, writ of partition, order or writ of sale, or any other order or writ (excepting a subpœna) wherein the number of words does not exceed three hundred, twenty-five cents; for issuing any such writ, execution, or order (excepting a subpœna), where the number of words exceeds three hundred, eight cents for each one hundred words; for entering an order to advertise, fifteen cents; for entering proof of publication, eight cents; for entering a rule for pleading, four cents; for taking an undertaking bond or recognizance, twenty-five cents; for taking justification of bail on notice, thirty-five cents; for indorsing or entering allowance of bail, four cents; for entering an exoneration of bail, eight cents; for entering the return of each writ or order (excepting exe-

cutions and subpœna), four cents; for entering an appointment of a guardian for suit, eight cents; for issuing venire for jury, to be charged in each case wherein there is an issue made up, twelve cents; impaneling a jury in each cause tried by a jury, and administering the oath, twelve cents; for a certificate to each tales juror, for his fees, four cents; for calling and entering each tales juror, four cents; for swearing constable in each cause tried by jury, four cents; for issuing a subpœna wherein there is but one witness named, eight cents; and for each additional name on the subpœna, four cents; for swearing each witness, and making entry of same, four cents; for entering attendance, each witness, four cents; for a certificate to each witness for his fee, four cents; for issuing a certificate of qualification of a witness for grand jury, four cents; for entering each cause on the bar and court calendar of each term, four cents; for indexing each cause, four cents for each term the same remains on the docket; for entering an order, verdict, rule, or judgment on the journal, when the number of words does not exceed one hundred, eight cents; and eight cents for each additional one hundred words such entry may contain over that number; for transcribing or posting an order, verdict, rule, or judgment on the appearance docket, eight cents; and for entering satisfaction of a final order or judgment, to be taxed as an item of original costs, eight cents; for entering an assignment of a judgment or final order, eight cents; for entering continuance, discontinuance, dismissal, or settlement of a cause, eight cents; for entering a notice of appeal, eight cents; for entering on the journal the finding of an indictment, eight cents; and entering on the journal any plea not required to be in writing, eight cents; for polling a jury when required, twenty-five cents; for attending to the striking of a special jury and issuing a venire thereof, seventy-five cents; for drawing a cost bill, which shall be taxed but once in each cause, twenty-five cents; for making up a complete record in each cause, eight cents for each one hundred words such record may contain; for making out copies of process, pleadings, records, files, or any proceedings in a cause, with the seal annexed, when required by a party or the law, eight cents for each one hundred words; for docketing each execution issued, four cents; for making direct and reverse index to each execution issued, eight cents; for entering and recording the return of an execution, where the number of words does not exceed one hundred, eight cents; for entering and recording the return of an execution, where the words exceed one hundred, eight cents for each one hundred words; for each certificate with the seal of the court annexed (excepting when affixed to a copy), required by a party or the law, thirty-five cents; for each certificate to which the seal of the court is not required, and not herein otherwise provided for, fifteen cents; for a search of files, records, or dockets (excepting for a party or an attorney),

eight cents; for taking and entering a declaration of intention to become a citizen of the United States, and for a certified copy of such entry, under the seal of the court, twenty cents; for entering the final admission of an alien to the rights of citizenship, and for a certified copy thereof, under the seal of the court, twenty cents; for issuing license to an auctioneer, a ferry-keeper, or any other license ordered by the court, forty cents; for receiving poll-books of justices' elections, certifying elections therefrom, administering oath, and entering the same of record, seventy-five cents, to be paid by each justice on receiving his commission; for receiving and disbursing money other than costs and fees paid over to such clerks in pursuance of an order of court, or on judgments, and which has not been collected by the sheriff or other proper officer, on order or execution, to be taxed against the party charged with the payment of such money, a commission of one per centum on the first thousand dollars, and of one-fourth of one per centum on all exceeding one thousand dollars. [73 v. 127, §§ 5, 6: 46 v. 95, § 2.]

Payment of fees where state fails to convict.

SEC. 17. The fees accruing to the clerk for services rendered by him in any criminal cause, wherein the state fails to convict or collect the costs, after due and diligent effort made therefor, shall be paid out of the county treasury, on the warrant of the county auditor, which shall issue upon the certificate of said clerk, approved by the county commissioners; but no such certificate shall be approved by the county commissioners until the clerk has made report to and settled with them as required by law: provided, that not more than three hundred dollars shall be paid in any one year. [73 v. 127, § 7.]

Further fees of clerk.

SEC. 18. For drawing each grand jury and issuing a venire therefor, the clerk shall receive a fee of seventy-five cents; for certifying for fees for each grand juror, eight cents; and for all services rendered to the grand jury, he shall receive the same fees as are allowed for similar services in a cause pending in court, the same to be paid out of the county treasury, in the same manner as the fees specified in the preceding section. [73 v. 127, § 8]

Fees of clerk for miscellaneous services.

SEC. 19. The clerk shall receive from the treasurer, in the same manner as the fees specified in the last two preceding sections, the following fees for miscellaneous services performed by him: For making out abstracts of elections (except justices' elections), for each one hundred words, eight cents; for each certificate, with the seal of the court attached to abstract, thirty-five cents; for certifying for fees for judges and clerks of election, eight cents each; for certifying the enumeration of white male citizens, over the age of twenty-one years, to the secretary of state, seventy-five cents, and for filing each list of such enumeration, eight cents; for apportioning jurors to the several townships, copying the names, and placing the same in the jury-box, two dollars and fifty cents annually; for making up and

completing general indexes, direct and reverse, of all judgments, final orders, and decrees, eight cents for each cause so indexed; for making out lists of unclaimed costs, and paying the same to the treasurer, five per centum on the amount of money paid; for reporting, annually, to the county commissioners the amount of fines assessed by the court, seventy-five cents; for reporting, annually, to the prosecuting attorney amount of fines and costs, collections thereon, etc., two dollars and fifty cents; for reporting, annually, to auditor of state, as to collection of costs in penitentiary cases, seventy-five cents; for each civil jury list certified to county treasurer, forty cents. [73 v. 127, § 9.]

Fees and compensation of sheriffs.

SEC. 20. The fees and compensation of sheriffs shall be as follows: For the service of every writ or summons, and the return thereof (subpœnas only excepted), when only one defendant is named therein, thirty cents; for each additional defendant, fifteen cents; for levying each writ of execution on real or personal estate, or the service of a capias and satisfaciendum, upon the body of each defendant named in the writ, thirty cents, and mileage as in other cases; for every bail bond, thirty-five cents; for committing to prison or discharging therefrom, sixty cents; for attending a person before judge or court, sixty cents; for serving a writ of possession, with the aid of the county, one dollar and fifty cents; for serving such writ without the aid of the county, eighty cents; for executing a writ of injury and returning the same, with inquisition, eighty cents; for the copy of any writ or process necessary to complete a service, for each one hundred words, eight cents; for serving and returning a subpœna for each person named therein, ten cents; for serving and returning a subpœna for each person named therein to appear before the grand jury, ten cents, to be paid by the county upon the certificate of the clerk; for serving and returning venire for petit jury, traveling fees included, to be paid by the county, four dollars and fifty cents; or summoning a jury, to be allowed on each issue, including traveling fees, forty cents; for summoning a grand jury, traveling fees included, to be paid by the county, four dollars and fifty cents; for summoning a special jury, including traveling fees, four dollars and fifty cents; traveling fees upon all writs, precepts, and subpœnas, from place of return to the place of service, eight cents per mile; poundage on all moneys actually made and paid to the sheriff on execution, decree, or sale of real estate (except on writs of partition for the sale of real estate), one and a half per centum on the first thousand dollars, and one per centum on all sums over one thousand dollars; but where such real estate is bid off and purchased by the plaintiff in the execution or other party entitled to part of the proceeds, the sheriff shall not be entitled to any poundage except on the amount over and above the claim of the plaintiff or such other party; service of copy of petition or other pleading and return, the same

fees as are allowed for the services of a summons, including mileage, as herein provided; for making a deed of land sold on execution, decree or order of the court, to be paid by the purchaser, two dollars; for serving and returning a writ of scire facias (which shall be served in the same manner as a summons), when only one defendant is named therein, thirty cents, and for each additional defendant, fifteen cents; serving any person with an order of court, and making return thereof, thirty cents, and mileage as on service of summons; for calling a jury, ten cents; for opening court and calling each action, to be charged but once each term of the court in which the cause is pending, twelve cents; for calling each witness, five cents; for bringing up a person on habeas corpus, eighty cents; summoning a jury in forcible entry and detainer or in forcible entry only, one dollar and seventy-five cents; for serving a writ of restitution, eighty cents, and mileage thereon as in other cases; for calling an inquest to appraise lands and tenements, under execution, one dollar and twenty cents; for all advertisements in a newspaper, thirty cents, in addition to the price of printing; for all written advertisements for the sale of property, either real or personal, thirty cents; for executing a writ of partition, one dollar and twenty cents, and traveling fees as in other cases; for selling real estate under an order of court, when the same will not bear partition, three-fourths of one per centum where the amount of the sales does not exceed two thousand dollars; where the same exceeds two thousand dollars, three fourths of one per centum on the first two thousand dollars, and one-fourth of one per centum on the amount over and above that sum. [73 v. 127, § 11.]

Making an allowance for sheriff.

SEC. 21. The count of common pleas in each county shall make an allowance of not more than three hundred dollars per annum for the sheriff, for services in criminal cases where the state fails to convict, or the defendants prove insolvent, and for other services not particularly provided for, to be paid out of the county traasury. [73 v. 127, § 12.]

Where sheriff returns process.

SEC. 22. When a sheriff returns any process, issued from the court of common pleas or other court, of any other county than that in which such sheriff resides, in any other manner than by himself or his deputy personally, he shall only receive mileage thereon, to be computed from the office of said officer to the place of service, and back to his office. [73 v. 127, § 14.]

Where attachment is issued.

SEC. 23. In all cases in which an attachment is issued, the sheriff shall be allowed for each person and parcel of land, served with a copy of an order of attachment, the same fees as are now allowed by law for levying execution; and in all such cases, the freeholders required to be called by the sheriff to appraise property, shall be allowed such fees for their services as the court directs. [73 v. 127, § 15.]

Fees of sheriff in probate court.

SEC. 24. The sheriff, for performing the duties required by law in the court of probate, shall receive the same fees as

are allowed by law for similar services in the court of common pleas, to be taxed against the proper parties, by the probate judge. [73 v. 127, § 16.]

Compensation for providing for prisoners.

SEC. 25. The sheriff shall be allowed such compensation as the county commissioners shall, from time to time, order and allow, not exceeding fifty cents per day, for keeping and providing for prisoners in jail; and the commissioners, annually, at their June session, shall review and fix the price of keeping and providing for said prisoners, and cause the same to be entered upon the record of their proceedings; but in any county in which there is no infirmary, they may, if they think the same just and necessary, allow any sum not exceeding seventy-five cents per day, for keeping any idiot or lunatic. [73 v. 127, § 17; 62 v. 60, § 1.]

Fees for serving writ of capias ad satisfaciendum.

SEC. 26. When a sheriff receives from the court of any other county than that in which he resides, a writ of capias ad satisfaciendum, and it is necessary for him to convey the defendant or defendants to the jail of the county from whence such writ has been issued, such sheriff is entitled to receive, on return of said writ, that the body or bodies are committed to the jail of the proper county, or discharged from custody by order of the party, eight cents per mile going to, and six cents per mile returning from said jail, to be computed from the place of service to the place of return, by the most usual route, and one dollar and twenty-five cents for every twenty-five miles for transporting and subsisting each defendant, as aforesaid. [73 v. 127, § 30.]

Services for dower.

SEC. 27. The sheriff shall be allowed for services relating to dower: For summoning and swearing the commissioners, traveling fees, to be computed from the place of return of his proceedings, to the place where the land lies in which said dower is to be assigned, ten cents per mile. [73 v. 127, § 37.]

When term expires while execution is unsatisfied.

SEC. 28. In all cases where any sheriff or coroner, having levied an execution, and whose term of office has expired, has returned such execution unsatisfied, or has delivered the same to his successor in office, before the money could be made thereon, the court shall order the poundage and fees taxed on such execution, to be distributed between such sheriff or coroner and his successor, who has made the money thereon, in such manner and proportions as the court deems just and equitable. [73 v. 127, § 39.]

CORONER.

Fees of coroner.

SEC. 29. Coroners shall be allowed the following fees: For view of a dead body, three dollars; for drawing all necessary writings, and return thereof, for every hundred words, ten cents; for traveling, each mile, to the place of view, ten cents; when performing the duties of sheriff, the same fees as are allowed to sheriffs for similar services.

COUNTY TREASURER.

Fees of county treasurer.

SEC. 30. The county treasurer, on settlement, semi-annually, with the county auditor, shall be allowed as fees on all moneys collected on the grand duplicate, the following percentage: On the first ten thousand dollars, two and one-half per cent.; on the next ten thousand dollars, one and one-half; on the next ten thousand dollars, one and one-half; on the next ten thousand dollars, seven-tenths of one; on the next two hundred thousand dollars, five-tenths of one; and on all other or further sums, three-tenths of one; and on all moneys collected on any special duplicate, five-tenths of one; and on all moneys collected otherwise than on the duplicate, the following percentage: on licenses fines, forfeitures, or on bonds or recognizances, on the first one thousand dollars, eight, and on all over one thousand dollars, four; and on all other moneys collected, on the first ten thousand dollars, eight-tenths, and all over that amount, four-tenths of one; but no compensation, percentage, commission, or fees shall be allowed on any moneys received by him from the state treasurer, or from his predecessor in office, or the legal representatives or sureties of such predecessor, or on any moneys received from the proceeds of the bonds of the county, or of any municipal corporation. [69 v. 12, § 2; 65 v. 182, § 1; 74 v. 13, § 1.]

Additional fees.

SEC. 31. The treasurer shall be allowed the same fees, for making distress and sale of goods and chattels for the payment of taxes, as are allowed by law to constables for making levy and sale of property on execution: traveling fees shall be computed from the seat of justice of the county to the place of making the distress. [29 v. 291, § 20.]

RECORDER.

Fees of county recorder.

SEC. 32. The recorder shall receive the following fees: For recording a mortgage, deed of conveyance, power of attorney, or other instrument of writing, twelve cents for every hundred words, and ten cents for indexing the same, to be paid on the presentation of such instrument for record; for certified copy from the record, twelve cents for every hundred words; for recording assignment or satisfaction of mortgage, or discharge of a soldier, twenty-five cents; for every search of the record, without copy, fifteen cents. [62 v. 123, § 5; 51 v. 283, § 1.]

Other compensation.

SEC. 33. The recorder, for services directed to be performed by the commissioners in transcribing the records of other counties, and transcribing defaced or injured records, shall receive such compensation as the commissioners determine, not exceeding six cents for every hundred words; and for making the general indexes provided for herein, such sum as is fixed by the commissioners; and they shall allow the recorder his necessary expenses in transcribing records in other counties. [64 v. 256, § 1; 73 v. 243, § 2.]

Increasing or diminishing fees of any official.

SEC. 34. When, after an investigation by the commissioner of any county, they are of opinion that the compensation of an officer, whose fees are prescribed by this act, is either too great or too small, they may, by order entered on their journal, increase or diminish the fees hereinbefore prescribed for such officer, not to exceed ten per cent. thereof, and thereafter the rates so fixed by them, and no other, shall be the lawful fees for such officer: provided, that in counties having twenty thousand inhabitants at the last preceding federal census, no increase shall be so made by the commissioners when the fees of the officer, after deducting a reasonable clerk or deputy hire, if same is necessary for said office, amounts to fifteen hundred dollars; nor shall any reduction be so made when the fees of the officer, after deducting a reasonable clerk or deputy hire, if same is necessary in said office, do not exceed twelve hundred dollars: and provided, further, that such change shall be made but once in reference to any officer herein named.

Proviso.

SEC. 35. Nothing in this act shall apply to Cuyahoga, Columbiana, and Hamilton counties.

Repeal.

SEC. 36. The following acts and parts of acts are hereby repealed:

1. The act of April 24, 1877, entitled "an act prescribing the fees of county auditors, and to repeal certain acts therein named."

2. Section one of the act of April 11, 1876, entitled "an act to amend an act entitled an act passed May 6, 1869, supplementary to the act prescribing the fees of county auditors, passed May, 1, 1862, as amended April 12, 1865, as amended April 17, 1867."

3. The act of April, 1876, entitled "an act to regulate the fees of probate judges, clerks of the courts, sheriffs, witnesses, jurors, fees in partitions, and to repeal certain acts therein named," except sections ten, thirteen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, and thirty-eight.

4. Section two of the act of April 12, 1876, entitled "an act to amend an act entitled an act to authorize the transcribing of county records in certain cases, passed March 26, 1863."

5. The act of February 8, 1877, entitled "an act prescribing the fees of county treasurers."

6. The act of February 12, 1872, entitled "an act to amend an act entitled an act prescribing the fees of county treasurers, passed April 9, 1861."

7. Section six of the act of March 9, 1831, entitled "an act to regulate the fees of officers in civil and criminal cases."

8. The act of March 24, 1865, entitled "an act supplementary to an act to provide for the uniform government

and better regulation of lunatic asylums of the state, and the care of idiots and the insane, passed April 7, 1856."

9. The act of April 11, 1865, entitled "an act to amend section five of an act entitled an act to regulate the fees of officers in civil and criminal cases, passed March 5, 1831.'

10. Section one of the act of April 17, 1867, entitled "an act to amend an act to amend an act to authorize the making of real estate indexes, and to further prescribe the duties of county commissioners and recorders in certain cases, passed March 20, 1862."

11. The act of May 13, 1868, entitled "an act supplementary to the act entitled an act to authorize county commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act therein named, passed March 29, 1867."

12. Section twenty of the act of March 12, 1831, entitled "an act prescribing the duties of county treasurers."

13. Section two of the act of February 25, 1848, entitled "an act to amend the act to regulate the practice of the judicial court."

14. Section one of the act of November 19, 1852, entitled "an act to amend the laws prescribing the duties of county recorders, and repealing a section therein recited;" but the provisions of this act shall not effect the salary or fees of any officer during the time for which he may have been elected or appointed before the passage of this act.

SEC. 37. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed June 3, 1879.

[House Bill No. 1027.]

AN ACT

To amend the first section of an act to enable the commissioners of Clarke, Franklin, Miami, Pickaway, and Pike counties to purchase toll roads and convert them into free roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above recited act be amended to read as follows:

Section 1. That the county commissioners of any of the counties of Clarke, Franklin, Miami, Pickaway, Pike, and Greene, whenever petitioned so to do by not less than fifteen freeholders, citizens of each township in the respective counties herein named, when, in their opinion, the interests

of the citizens of said county require the same to be done, may, and they are hereby authorized to purchase all the toll roads, or parts of toll roads, within any one of their respective counties, as hereinafter provided: provided, however, that before any such purchase is made, there shall be appointed three competent, disinterested freeholders, of any one of said counties, appraisers of all the roads proposed to be purchased, said appraisers to be appointed as follows: One by said commissioners, and one by the probate judge of said county, and the other by any judge of the court of common pleas of the judicial subdivision in which any of said counties are located; and said appraisers, after being first sworn faithfully and honestly to discharge their duties in that behalf, shall personally inspect said roads, so far as the same are within any one of said counties, and examine into the receipt thereof, and the costs of maintaining the same for the next preceding five years, and make and return in writing to said commissioners a valuation of each of said roads, appraising the road-bed and bridges separately. The county commissioners shall use the appraised valuation of said road-beds and bridges, as reported by the appraisers, as a basis of negotiation with such person or persons as shall be duly authorized to represent said toll road corporation in the matter of selling their respective roads and bridges to the county commissioners.

Purchase of toll roads.

Proviso.

SEC. 2. Said original section one of the aboved recited act is hereby repealed, and this act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 5, 1879.

[House Bill No. 1030.]

AN ACT

To amend section twenty five, of chapter eleven, of title seven, (public ways) of part second.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-five of the above recited act be amended so as to read as follows:

Section 25. That said county commissioners shall have power to cause gates and toll-houses to be erected on said road within their respective counties, at such places as they deem expedient, and shall designate for the purpose of collecting tolls, and appoint the necessary collectors of tolls, and remove them at pleasure, and pay them reasonable

Erection of gates and toll-houses.

compensation for such services; said collectors of tolls shall pay into the county treasuries of their respective counties at the end of each month, all the moneys that they shall have collected that remain in their hands, after deducting the compensation allowed for their services; said commissioners shall apply said money to the keeping in repair of said road within their respective counties in the collection of said tolls, said collectors shall be governed in all respects by the laws now in force relating to the collection of tolls: provided, that the rates of tolls now by law authorized to be charged and collected for travel on said road shall not be increased or reduced, and no toll shall be charged or collected for travel on that part of said road which is in Madison county, nor that part which lies between Columbus and the Ohio central lunatic asylum, and all persons shall be permitted to travel free of toll on this part of said road.

Proviso.

SEC. 2. This act shall take effect from its passage, and said original section twenty-five is hereby repealed.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 6, 1879.

[House Bill No. 1063.]

AN ACT

To amend section two (2), and twenty-seven (27), title three (3), chapter ter two (2), in the code of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections two and twenty-seven of title three, chapter two, to be placed in the code of Ohio, be so amended as to read a follows:

Duties of secretary of state.

Section 2. Except as otherwise provided by law, the secretary of state shall examine the proof-sheets of all printing done for the state, and see that they are correct, and that the work is executed in a suitable manner and pursuant to law; and he shall prepare side notes for the general laws, and indexes for the laws and documents; all printing for the executive departments shall be ordered through the supervisor, and he shall see that the full number of copies ordered is received from the printer and delivered to the proper department; he shall audit all accounts for printing and binding, and keep a record of the cost of printing and binding, the amount of paper used, and the entire expense of each document or item; and a copy of each document shall de duly filed and preserved by him, with the cost indorsed upon it; he shall not have any interest in the contracts for printing. [61 v. 11, § 17; 64 v. 124, § 8; 59 v. 86, § 2.]

Duties of supervisor of printing.

Providing paper for printing.

SEC. 27. The paper for the state printing aforesaid, shall be provided by the state; and the secretary of state shall, upon the requisition of the supervisor of public printing, from time to time, as the same may be needed, deliver over to each contractor suitable paper for the printing which he is required by his contract to do; he shall take and preserve, from each contractor, a receipt for all paper so delivered; and at the annual settlement, on or before the first Monday in November, each contractor shall deliver to the secretary of state all paper which has not been used in the state printing; and if any such paper has been wasted or converted to any other use, the contractor to whom the same has been delivered shall be charged with the value thereof, together with the penalty of fifty per cent., and the amount shall be deducted from his account. [57 v. 88, § 22.]

When paper has been wasted or converted to other uses.

SEC. 2. This act shall take effect from and after October 1, 1879.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 6, 1879.

[Substitute for House Bill No. 608.]

AN ACT

To restrict the limits of the third judicial district; to define the several subdivisions thereof; to form and establish a new district within its original limits; and to abolish the fourth subdivision thereof.

Limits of third judicial district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the counties of Shelby, Auglaize, Mercer, Allen and Van Wert, shall constitute the first subdivision of the third judicial district; the counties of Paulding, Defiance and Williams, shall constitute the second subdivision of said district, and the counties of Fulton, Henry and Putnam shall constitute the third subdivision of said third judicial district; and together shall form such district.

Limits of tenth judicial district.

SEC. 2. That the counties of Wood, Hancock, Seneca and Hardin, shall constitute the first subdivision of the tenth judicial district; the counties of Crawford, Marion and Wyandot, shall constitute the second subdivision of said district; and the counties of Union and Logan shall constitute the third subdivision of said tenth judicial district, and together shall form such district.

Judges of court of common pleas in original third district.

SEC. 3. Any person heretofore elected and commissioned as judge of the court of common pleas of the original third judicial district, whose term has not yet expired, or commenced, shall, during the residue of his term, be deemed the judge of that subdivision and district in which his residence was fixed at the time of the passage of this act, and

his successor shall be elected by the electors of the subdivision as hereby formed at the state election next preceding the expiration of his said term.

Election of judge for first subdivision of third common pleas district. Term of office.

SEC. 4. In the first subdivision of the third common pleas district as hereby constituted, there shall be elected one common pleas judge for such subdivision and district who shall be elected by the electors of said subdivision at the state election A.D. 1879, for the term of five years, commencing on the 9th day of February, A.D. 1880; whose successor shall be elected at the state election A.D. 1884, and every five years thereafter; such judge shall be a resident of the subdivision in which he is elected, during his official term.

Election of additional judge for subdivision of tenth district.

SEC. 5. The electors of the several counties constituting the first subdivision of the tenth district, as hereby formed, shall, at the state election A.D. 1879, elect an additional judge for said subdivision and district, who shall be a resident thereof and whose term shall be for five years, commencing on the 9th day of February A.D. 1880, and whose successor shall be elected at the state election A.D. 1884 and every five years thereafter.

Duties of the sheriff in proclaiming election.

SEC. 6. It shall be the duty of the sheriff of each county constituting the said first subdivision of the third district and the said first subdivision of the tenth district to give notice in the proclamation provided by law of the time and place of holding such election, which shall be conducted, and the returns thereof made in the same manner required by law in case of the election of other judges of the court of common pleas and thereupon the governor shall issue commissions to the parties elected such judges.

Salary, powers, etc., of judges elected.

SEC. 7. The judges herein provided for, when so elected and qualified, shall receive the same salary and have in all respects the same powers and jurisdiction and discharge all the duties conferred and enjoined by the constitution and laws of this state upon the judges of said court and any vacancy that may occur in the office of any of the judges, hereby provided for said subdivision and districts by death or otherwise shall be filled as in other cases of vacancies in the office of said judges of said court.

Repeal.

SEC. 8. The act entitled an act to abolish the tenth judicial district, passed May 1, 1862; the act entitled "an act to amend an act entitled 'an act to abolish the tenth judicial district,'" passed May 1. 1862; the act entitled "an act to create an additional judgeship, in and for the fourth subdivision of the third judicial district of the state of Ohio," passed February 20, 1868, be and the same are hereby repealed: provided, that nothing in this act shall be construed to affect in anywise the incumbents elected by virtue of any of the said acts hereby repealed, either in their compensation, powers, duties, or obligations, for and during the terms of office for which said judges were severally elected, otherwise than is herein provided; nor

Proviso.

to affect the times of holding the several courts of common pleas, or district courts of the several counties of said districts, as now fixed for the year 1879.

SEC. 9. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
Passed June 7, 1879. *President of the Senate.*

[House Bill No. 131.]

AN ACT

Relating to the Lincoln and soldiers' memorial monument.

Appropriation for T. D. Jones.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby appropriated out of any moneys in the state treasury, belonging to the general revenue fund, not otherwise appropriated, the sum of three thousand three hundred and thirty dollars, to be paid to T. D. Jones, the sculptor who designed and executed the Lincoln and soldiers' monument now in the rotunda of the state capitol, and the auditor of the state is hereby authorized and directed to draw his warrant for said sum in favor of said T. D. Jones. The money herein appropriated shall only be paid to the said T. D. Jones upon his executing a receipt therefor in full of all demands for designing and executing said monument.

SEC. 2. That this act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
Passed June 9, 1879. *President pro tem. of the Senate.*

AN ACT

To exempt certain property of benevolent institutions from seizure and sale on execution.

Exempting property of benevolent institutions from seizure.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the regalia, insignia of office, journals of proceedings, account books, and the printed private work belonging to any benevolent society in this state, shall be exempt from seizure or sale to satisfy any judgment or decree rendered against such society after the passage of this act.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
Passed June 10, 1879. *President of the Senate.*

[Substitute for House Bill No. 566.]

AN ACT

Relating to the election of representatives in the congress of the United States.

Introduction.

WHEREAS, The republican party, by their acts in congress and of the judicial and executive departments of the government of the United States, claim the right to supervise and control the elections within the respective states, in violation of the letter and spirit of the constitution of the United States; and,

WHEREAS, By the exercise of such power have disfranchised many legal voters in the state; therefore,

Candidates for representatives in congress. Where names are not to be placed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities having a population of twenty thousand and upwards, the names of candidates for representatives in congress shall not be placed upon the same ticket with the name of a candidate for any state, county, township, or municipal office, to be voted for at the same election.

Voting place for representatives.

SEC. 2. That when the election for representatives in congress occurs on the same day that the election for state, county, township, or municipal officers, the voting places for the election of representatives in congress shall be fixed by the proper authority of such cities containing twenty thousand inhabitants or upwards, at a distance of not less than two hundred feet from the voting places for the state, county, township, or municipal officers.

Judges and clerks of election to be elected by council.

SEC. 3. Two judges of election and two clerks at each of said voting places for representatives in congress belonging to opposite political parties, shall be selected by the council of said cities, at their regular meeting preceding said election, and the electors at the polls at said voting place shall elect the third judge and fill any vacancy that may occur by the absence of any judge or clerk appointed as aforesaid:

Proviso.

provided, however, that the provisions of this act shall not apply at any election at which no supervisors are appointed under the laws of the United States, nor soldiers of the United States are employed under the authority of the general government to attend at the polls.

SEC. 4. This act shall be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 10, 1879.

[Senate Bill No. 336.]

AN ACT

To amend section thirteen of an act entitled "an act relating to roads and highways," passed March 9, 1868, as amended March 4, 1878.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section thirteen of the above recited act, as amended March 4, 1878, be so amended as to read as follows:

Section 13. The township trustees shall cause to be erected and kept in repair, at the expense of the township, at all such forks and cross-roads as are kept in repair for general public travel, and lead to some village, depot, or other important public place, a post and guide-board containing an inscription in legible letters directing the way and distance to the village or public place or places situated on each of said roads.

Erection of guide-board.

SEC. 2. The said original section thirteen, as amended March 4, 1878, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 9, 1879.

[Senate Bill No. 263.]

AN ACT

To amend an act entitled "an act to amend section five (5) of an act entitled an act making provisions for the incorporation of cemetery associations, passed February 24, 1848," amended and passed March 29, 1875. (Ohio Laws, vol. 72, p. 113.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five of the above recited act be amended to read as follows:

Section 5. That any cemetery association, organized under the laws of the state of Ohio, shall be authorized and empowered to purchase, to take by gift or devise, or to appropriate and to hold in perpetuity, any land not exceeding one hundred acres, which said land shall be exempt from execution, from taxation, and from being appropriated to any other public purpose, if used exclusively for burial purposes, and in no wise with a view to profit: provided, if it be necessary to acquire said one hundred acres, or any part thereof, by appropriation, such proceedings to so appropriate shall be governed in all respects by the provisions of an act entitled "an act prescribing the mode of assessment and collection of compensation to the owners of private property appropriated by and to the use of corporations," passed April 23, 1872.

Cemetery association.

Acquiring land.

How appriation shall be governed.

Land not to be appropriated.

But no land shall be appropriated under this provision until the court shall be satisfied that suitable premises can not be obtained by contract upon reasonable terms, and no land shall be appropriated upon which there may be any dwelling-house, barn, stable, or other farm building, or upon which there shall be any orchard or nursery, or any valuable mineral or other medical spring; or any well actually yielding oil or salt water; nor shall any land be appropriated within two hundred yards of any dwelling-house, unless the owner or owners of such dwelling-house shall give his, her, or their consent: provided, that in cities of the third grade of the second class, where the cemetery lies within the corporation and within one hundred feet or the width of a street or of any dwelling. After paying for such land, all

Disposition of receipts.

future receipts and incomes of such association, whether from sale of lots, from donations, or otherwise, shall be applied exclusively to laying out, preserving, protecting, and embellishing the cemetery and the avenues leading thereto, and to the erection of such buildings as may be necessary for the cemetery purposes, and to paying the necessary expenses of the cemetery association; no debts shall be con-

Contraction of debts.

tracted in anticipation of future receipts, except for original purchasing, laying out, inclosing, and embellishidg the grounds and avenues, for which a debt or debts may be contracted not exceeding ten thousand dollars in the whole, to be paid out of future receipts; and such association shall have power to adopt such rules and regulations as they shall deem expedient for disposing of and for conveying burial

Proviso.

lots: provided, however, that any person not already the owner of a lot in said cemetery shall have the right to purchase any lot not before sold by said cemetery association, and to have such lot conveyed to such purchaser by said association, upon tender of the usual price affixed upon said lot by said association.

SEC. 2. That said section five be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 9, 1879.

[Senate Bill No. 354.]

AN ACT

Relating to incorporated villages having a population of not more than one thousand and thirty-seven and not less than one thousand and thirty-six by the last federal census of 1870.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever, in any incorporated vilage which, by

the federal census of 1870, has a population of not more than one thousand and thirty-seven (1,037) and not less than one thousand and thirty-six inhabitants, the village council thereof shall, by resolution passed by a majority of the members elected thereto, declare it to be essential to the interests of such village that a line of railway, to be named in said resolution, should be provided between termini designated therein, one of which shall be such village, it shall be lawful for a board of trustees, appointed as herein provided, and they are hereby authorized to borrow, as a fund for that purpose, not to exceed the sum of three per cent. of the value of the property on the tax duplicate of such incorporated village, and to issue bonds therefor in the name of such incorporated village, under the corporate seal thereof, bearing interest at a rate not to exceed seven (7) per centum per annum, payable semi-annually; said bonds to be payable at such times and places, and in such sums as shall be deemed best by said board; said bonds shall be signed by the president of said board, and attested by the clerk of such incorporated village, who shall keep a register of the same, and they shall be secured by the pledge of the faith of such village, and a tax which it shall be the duty of the council thereof annually to levy (which tax shall not exceed five (5) mills on the dollar in any one year), to pay the interest and provide a sinking fund for the final redemption of said bonds: provided, that such village shall not in any one year levy taxes to a greater amount than twelve (12) mills on the dollar, including the levy for said bonds: and provided, that no money shall be borrowed on bonds issued until after the question of providing the line of railway specified in said resolution shall have been submitted to a vote of the qualified electors of such incorporated village, at a special election to be ordered by the village council thereof, of which not less than ten days' notice shall be given in the papers published in such village: and further provided, that a majority of said electors voting at such election shall decide in favor of said line of railway. The returns of said election shall be made to the clerk of said incorporated village, and be by him laid before the village council, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

To establish railway.

Issuing bonds.

Interest.

When payable.

How issued

Tax.

Provisions.

Returns of election.

SEC. 2. If a majority of votes cast at said election shall be in favor of providing the line of railway, as specified in the first section, it shall be the duty of the clerk of said incorporated village forthwith to file a petition in the court of common pleas in the county in which such village is situated, praying that the judge thereof will appoint three trustees, who shall be electors and freeholders of said village, to be called the trustees of ———— railway (the blank to be filled with the name of the railway as given in the resolution), and it shall be the duty of said judge to make the ap-

When to file petition.

Trustees.

pointment, and enter the same on the minutes or journal of the court. They shall enter into bonds to the village, in such sums as the court may direct, with one or more sufficient sureties, to be approved by the court, conditioned for the faithful discharge of their duties. The bond so taken shall be approved by the clerk of said incorporated village, and deposited with the treasurer of the corporation for safe keeping.

Trustees to give bond.

Bond approved.

SEC. 3. The said trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a single track narrow-guage railway, with all the usual appendages; and for the purposes aforesaid shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, or bonds, and other personal property, and to dispose of the same in aid of said fund.

Powers of trustees.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such power as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their office in the village under whose action they are appointed, but they may adjourn from time to time to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the corporation clerk, whenever requested so to do by a resolution of the village council. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the council of such village by resolution duly adopted, and allowed by the court appointing them.

Formation of board.

Meeting.

Keep record.

Drawing money.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them, as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

Powers and responsibility of trustees.

SEC. 6. Whenever the corporation clerk of any village under whose action a board of trustees have been appointed, as herein provided, shall have reason to believe that any one of said trustees has failed in the faithful performance of his trust, it shall be his duty to apply to the court that appointed said trustee, by petition, praying that such trustee be removed and another appointed in his place; and when a vacancy shall occur in said board from any other cause, it

When trustee is not unfaithful.

shall be filed in like manner. If the corporation clerk shall fail to make application in either of the foregoing cases, after the request of any of the holders of the bonds issued by said trustees, or by a tax-payer of such village, such bond-holder or tax payer may file a petition, in his own name, on behalf of the holders of such bonds, for like relief, in any court having jurisdiction; and if the court hearing the action shall adjudge in favor of the plaintiff, he shall be allowed, as part of his costs, a reasonable compensation to his attorney.

Appropriating lands.

SEC. 7. Whenever in the construction of a line of railway, as herein provided, it shall be necessary to appropriate lands for the foundation of abutments, or pier of any bridge across any stream, or for any other purpose, or to appropriate any right or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury, and judgment of the court, shall be so varied as to suit the case.

Part of other road between termini.

SEC. 8. Whenever there shall be between the termini designated in any resolution passed under this act, a railroad already partially constructed, or rights of way acquired therefor, which can be adopted as part of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

Occupation of public property.

SEC. 9. Whenever in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof, belonging to such incorporated village, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury, and judgment of the court, shall be so varied as to suit the case.

Leasing road.

SEC. 10. On the final completion of any line of railway constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the terms and conditions, which shall be fixed and provided by the council of the incorporated village by which the line of railway is owned.

Advancing money to trustees.

SEC. 11. That the village council of any incorporated village described in this act may, after trustees have been appointed, as provided in this act, advance to said trustees, out of any funds of such village, such sum as is necessary, not exceeding two hundred dollars, for carrying the object for which they were appointed into effect, and said sum shall be repaid out of the trust fund provided for in this act, when raised.

Making deeds, contracts, etc.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such incorporated village providing the line of railway, or in the name of the trustees of ——— ——— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate court, as in other cases of appropriations for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 9, 1879.

[Senate Bill No. 228.]

AN ACT

To amend section one of an act entitled "an act to amend sections one and four of an act entitled 'an act to provide for the repair of free turnpike roads in certain counties, and to authorize the county commissioners of any county in this state to constitute a board of directors to regulate the hauling of heavy burdens on any free turnpike or improved road,'" passed and took effect April 20, 1874; passed March 17, 1875, (O. L., vol. 72, page 59); passed April 3, 1876 (O. L., vol. 73, page 151); passed May 2, 1877 (O. L., vol. 74, page 153).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above recited act be amended so as to read as follows:

County commissioners to constitute a board of turnpike directors.

Section 1. That by virtue of their office the commissioners of any county having a population of more than fifteen thousand six hundred, and less than twenty thousand seven hundred; also counties having a population of more than twenty thousand seven hundred and forty-nine, and less than twenty-one thousand seven hundred and fifty; also counties having a population of twenty-one thousand seven hundred and fifty-five, and less than twenty-one thousand eight hundred; also, counties having a population of more than twenty-one thousand nine hundred and fourteen, and less than twenty-eight thousand; also, counties having a population of more than twenty-nine thousand one hundred, and less than thirty-two thousand; also counties having a population of more than thirty-two thousand one hundred, and less than thirty-two thousand seven hundred; also, counties having a population of more than thirty-nine thousand nine hundred, and less than forty thousand six hundred, at the last federal census, are hereby constituted a board of turnpike directors, under whose management and control all free turnpikes in such counties shall be exclusively vested. That it shall be the

duty of such directors, at their first meeting of such board, to divide the county into three districts, as near equal in number of miles of turnpike and conveniently located as may be practicable; and each director shall have the personal supervision of one of such districts, subject to all rules and regulations that may be, from time to time, agreed upon by said board; it shall be their duty to hold a meeting as such board, at such time within sixty days after the passage of this act, as they may determine, and at least once in three months thereafter, at their office at the county seat of the county, and shall be governed in all transactions of business by the rules governing county commissioners. They shall have power to appoint suitable persons to superintend the work of repairs on the several turnpikes, and the auditor of the county shall serve as clerk of such board, who shall record the proceedings of such board in a book to be provided for such purpose by the county commissioners, which shall be open for examination to all persons interested. They shall cause notice to be published in at least one newspaper in the county, of such rules as may be adopted for the regulation of labor and travel on said turnpikes, notice of the regular meetings of said board, and on or before the second Tuesday of April in each year, a statement of receipts and expenditures in detail for the year. They shall have power to contract for labor and material, either at public sale or private contract, as may best subserve the interest of the different roads, and shall certify to the county auditor, on or before the first Monday in June in each year, the amount of money necessary for the purpose of keeping such turnpikes in good repair: provided, that when, in the opinion of said board, the interest of any of said turnpikes require, they are hereby authorized to enter upon any lands in said county and take gravel, or other material necessary for the repair of said turnpikes, and shall give a certificate to the owner or owners of such material so taken, which shall state the value thereof, together with the amount of damages to said lands by reason of the removal of said material; and the county auditor, upon the presentation of said certificate, shall issue an order on the county treasurer for the amount so certified, who shall pay the same out of the turnpike fund: provided, further, that in case said owner or owners are not satisfied with the value so certified by said board, shall have the right to appeal to the probate court of said county, subject to all the provisions of the statutes now in force relating to the condemnation of material for road purposes: provided, further, that a notice of such appeal shall be filed with the probate judge of said county within ten days after the delivery of said certificate.

Duty of directors.

Holding meetings.

Powers of trustees.

Notices to be published.

Additional powers.

Provisions.

SEC. 2. That section one of the act above referred to, be and is hereby repealed.

SEC. 3. This act shall take effect and be in force from and its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 9, 1879.

[Senate Bill No. 295.]

AN ACT

Subdividing the fifth common pleas district, and providing for an additional judge in the third subdivision therein.

Subdividing fifth common pleas district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the counties Clermont, Brown, and Adams shall be the first subdivision, the counties Highland, Ross, and Fayette, the second subdivision, and the counties Franklin, Pickaway, and Madison, the third subdivision of the fifth common pleas district, and together shall constitute said fifth district.

Judges.

SEC. 2. The judges now in office in said district shall be judges thereof, and their successors shall be elected in the subdivisions in which such judges respectively reside.

Election of judge in third subdivision.

SEC. 3. On the second Tuesday in October, A.D., 1879, there shall be elected in said third subdivision of said district, in like manner as other judges therein are elected, an additional judge of said district, and said additional judge shall have the same jurisdiction, powers, and authority as other judges have in said district. And on the day on which the state election is held in the year 1884, and every five years thereafter, there shall be elected in said third subdivision a successor to said additional judge, who shall have like jurisdiction, powers, and authority as have other judges in said district.

Jurisdiction, powers, and authority of said judge.

Filling vacancy.

SEC. 4. If a vacancy occurs in the office of said additional judge, it shall be filled in the manner provided for filling other vacancies in the offices of judge of the common pleas court.

Repeal.

SEC. 5. That the act entitled "an act to create subdivision number four in the fifth judicial district of the court of common pleas, and authorize the election of judge therein," passed March 29, 1875 (O. L., vol. 73, p. 139), be and the same is hereby repealed; but the term of office of any judge elected under said act, and his official acts shall not be affected by the repeal of said act.

SEC. 6. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABES W. FITCH,
President of the Senate.

Passed May 16, 1879.

[Senate Bill No. 340.]

AN ACT

To amend section ten of chapter six, division two, of an act entitled "an act to revise and consolidate the laws relating to civil procedure in courts of common pleas and superior courts, in district courts on appeal, and also the laws relating to procedure in error, mandamus, and quo warranto," passed May 14, 1878. [Ohio Laws, vol. 75, pages 613 and 614.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said section ten of the above entitled act be so amended as to read as follows:

Serving summons against a corporation.

Section 10. A summons against a corporation may be served upon the president, mayor, chairman or president of the board of directors or trustees, or other chief officer; if its chief officer be not found in the county, upon its cashier, treasurer, secretary, clerk, or managing agent; if none of the aforesaid officers can be found, by a copy left at the office or usual place of business of such corporation, with the person having charge thereof; and if such corporation is a railroad company, whether foreign or created under the laws of this state, and whether the charter thereof prescribes the manner and place, or either, of service or process thereon, the summons may be served upon any regular ticket or freight agent thereof, or if there is no such agent, then upon any regular conductor in any county in this state in which such railroad is located, or through which it passes; but if the defendant is an incorporated river transportation company, whether organized under the laws of this state or another state, the service of a summons may be upon the master, or other chief officer, of any of its steamboats, or other craft, or upon any of its authorized ticket or freight agents, at any port where it may transact business. [Civil Code, 66; S. & S., 542.]

Against railroad company.

Against river transportation company.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 31, 1879.

[Senate Bill No. 367.]

To amend section one (1) of an act passed April 17, 1873 (O. L., vol. 70, page 136), relating to township cemeteries

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above recited act be amended so as to read as follows:

Appropriating lands for extension of township cemetery.

Section 1. That in any township in this state where there may be a cemetery owned, or partly owned, by such township, if, in the opinion of the trustees of the township, it is desirable to add to the area of such cemetery by the purchase of additional grounds, and if suitable lands can not be procured by contract on reasonable terms, they may appropriate lands therefor by proceedings in accordance with the provisions of law regulating the appropriation of private property for cemetery purposes, as provided by the act passed May 13, 1878, and subject to the restrictions contained in said act, and they shall have authority for that purpose, to levy a tax, not to exceed one-half of one mill, on the taxable property of the township, not to exceed five years, which shall be collected as other taxes are, and appropriated for the purchase or appropriation of such additional cemetery grounds, which shall become part of said township cemetery, to be governed in all respects as provided by law: provided, the lands so appropriated shall not exceed five acres in area.

Proviso.

SEC. 2. That section one of the original act be repealed, and this act shall be in force from its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 3, 1879.

[House Bill No. 836.]

AN ACT

To amend sections twelve and thirteen, of chapter 4, division 7, of an act entitled "an act to amend, revise, and consolidate the statutes relating to municipal corporations, to be known as title twelve, part one, of the act to revise and consolidate the general statutes of Ohio," passed May 14, 1878. (75 O. L., 161.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections twelve and thirteen of the above recited act be so amended as to read as follows:

When corporation shall pay part of cost of public improvements.

Section 12. In all cities, except those of the third grade of the first class, and those of the first grade of the second class, the corporation shall pay such part of the costs and expenses of each improvement as to the council may seem equitable and just, which part shall not be less than one-fiftieth of all such costs and expenses, and the same shall be certified by the corporation clerk to the county auditor, and

levied on all taxable property in the corporation, and collected as other taxes.

When improvement of street, alley, or highway crosses or intersects another street, alley, or highway.

Section 13. When the council of a city, except in cities of the third grade of the first class, and in cities of the first grade of the second class determines to grade, pave, or otherwise improve a street, alley, or other public highway, and the improvement crosses or intersects another street, alley, or other public highway, the council shall levy and assess a tax, in addition to that specified in the last section, upon the general tax list of all the taxable real and personal property in the corporation, for the estimated cost and expense of so much of the improvement as may be included in the crossing or intersection of such street, alley, or highway which amount the corporation clerk shall certify to the county auditor, and the same shall be enforced against such real and personal property as other taxes are enforced and collected

SEC. 2. Said original section twelve and thirteen are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 10, 1879.

[House Bill No. 766.]

AN ACT

To authorize the register of Virginia military school lands, at Mansfield, Ohio, to close the business of his office.

Owners of unsurrendered school lands permitted to present leases, etc., to register at Mansfield, O.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the owners and holders of any unsurrendered school lands granted by an act of congress, passed March 2, A. D. 1807, appropriating lands for the use of schools in the Virginia military reservation, in lieu of those theretofore appropriated, viz., eighteen townships and three sections of land lying between the United States military tract and the Western Reserve tract in the state of Ohio, upon due notice being given, shall be permitted to present to the register of Virginia military school lands, at Mansfield, Ohio, all leases, quit claim deeds, or other evidences of title, or receipts for the payment of annual interest required to be paid by them, according to the terms of their said lease, together with a correct description of said lands, so held and claimed by them, whereupon said register shall prepare a complete abstract of title for the said land so far as the same can be made from the records in his said office, and shall record the same in a book suitable for said purpose, to be furnished by the auditor of state.

Duty of register.

Re-appraising lands.

SEC. 2. All lands so as aforesaid found by said register to be so owned and held, and which are by law required to be re-appraised, shall be so appraised by said register in the manner required; and all such lands which are by law not required to be again re-appraised, may, if the owners and holders of the leases therefor desire, be surrendered within one year from the passage of this act in the manner now prescribed by law.

Seal for register's office; when to be used.

SEC. 3. The said register shall procure a seal for his said office, which shall not exceed one and one-quarter inches in diameter, on which shall be engraved the coat of arms of the state, surrounded by the words, "Register of Virginia military school land, Mansfield, O.," an impression of which seal he shall attach to all abstracts of title furnished by him from the records in his said office.

Payment of expenses for making survey, etc.

SEC. 4. The expenses of making the required survey, and furnishing such leases and quit claim deeds, or certified copies of the record of the same, shall be paid by the owner and holder of such leases; but for the services rendered by the said register for recording such leases, quit claim deeds, and making necessary abstracts of the same, in order to procure a complete chain of title [for] such lands, and for properly indexing the same upon his records, the said register shall be entitled to charge and receive the following fees, viz: For recording all papers necessary to be recorded, ten cents for every one hundred words; which shall be paid to him upon first furnishing to the auditor of state a correct itemized statement of the amount, duly verified by his oath, and upon the approval of such account by the auditor, he shall draw his warrant on the treasury for the amount.

Fees of the register.

Books and stationery.

SEC. 5. The auditor of state shall furnish all necessary books and stationery for the proper discharge of the duties of said register as herein required, and when said register shall have procured the surrender of all such leases so as aforesaid, still held from the state from such as desire to surrender the same; and shall have completed a survey or description of the said lands, and abstract of titles to the lands refused to be surrendered by the owners and holders thereof; and shall have paid into the treasury all money coming into his hands by virtue of his office, before his term of office expires; or upon the expiration of his term of office, he shall deposit all books and papers in his possession pertaining to said office, with the auditor of state, and thereupon the office of register of Virginia military school lands at Mansfield shall cease and determine; and thereafter, any further duties pertaining thereto shall be discharged by the auditor of state.

Abolishing office of register.

SEC. 8. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 10, 1879.

[House Bill No. 1068.]

AN ACT

Relating to incorporated villages having a population of not less than two thousand three hundred and twenty-two, and not more than two thousand three hundred and twenty-four by the federal census of 1870.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever in any incorporated village, which by the federal census of 1870 had a population of not less than two thousand three hundred and twenty-two, and not more than two thousand three hundred and twenty-four, the village council thereof shall, by resolution passed by a majority of the members elected thereto, declared it to be essential to the interest of such village that a line of railway, to be named in said resolution, should be provided between termini designated therein, one of which shall be such village; it shall be lawful for a board of trustees, as herein provided, and they are hereby authorized to borrow, as a fund for that purpose, not to exceed the sum of five per cent. of the value of the property on the tax duplicate of such incorporated village, under the corporate seal thereof, bearing interest at a rate not to exceed six (6) per centum per annum, payable semi-annually; said bond to be payable at such times and places, and in such sums as shall be deemed best by said board; said bonds shall be signed by the president of said board, and attested by the clerk of such incorporated village who shall keep a register of the same, and they shall be secured by the pledge of the faith of such village, and a tax which it shall be the duty of the council thereof annually to levy, which tax shall not exceed five (5) mills on the dollar in any one year, to pay the interest and provide a sinking fund for the final redemption of said bonds: provided, that said village shall not in any one year levy taxes to a greater amount than fifteen (15) mills on the dollar, including the levy for said bonds; and provided, that no money shall be borrowed on bonds issued until after the question of providing the lines of railway specified in said resolution shall have been submitted to a vote of the qualified electors of such incorporated village, at a special election to be ordered by the village council thereof, of which not less than ten (10) days' notice shall be given in the papers published in such village: and further provided, that a majority of said electors voting at said election shall decide in favor of said line of railway. The returns of said election shall be made to the clerk of said incorporated village, and be by him laid before the village council, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

To establish a railway.

Board authorized to borrow money.

Rate of interest, when payable.

Tax.

Provisions.

Petitions of election.

SEC. 2. If a majority of votes cast at said election shall be in favor of providing the line of railway, as specified in the first section, it shall be the duty of the clerk of said in-

Filing petition.

Appoint trustees.

corporated village forthwith to file a petition in the court of common pleas in the county in which such village is situated, praying that the judge thereof will appoint three trustees, who shall be electors and freeholders of said village, to be called the trustees of————railway (the blank to be filled with the name of the railway as given in the resolution) and it shall be the duty of said judge to make the appointment, and enter the same on the minutes or journal of the court. They shall enter into bonds to the village, in such sum as the court may direct, with one or more sufficient sureties, to be approved by the court, conditioned for the faithful discharge of their duties. The bonds so taken shall be approved by the clerk of said incorporated village, and deposited with the treasurer of the corporation for safe keeping.

Trustees to give bond.

Bond to be approved.

Powers of trustees.

SEC. 3. The said trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a single track narrow-guage railway, with all the usual appendages, and for the purposes aforesaid shall have the power and capacity to make, contract, appoint, employ and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of lands, moneys, or bonds, and other personal property, and to dispose of the same in aid of said fund

Formation of board.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such power as the board may, by resolution from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their office in the village under whose action they are appointed, but they may adjourn from time to time to meet at any place they think proper. They shall keep a record of their proceedidgs, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the corporation clerk, whenever requested so to do by a resolution of the village council. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same upon the recommendation of the council of such village by resolution duly adopted, and allowed by the court appointing them.

Holding meetings.

Keeping record.

Drawing money.

Additional powers of trustees.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor, chosen or appointed, or employed by them, as they shall deem advisable. They shall not become surety for any officer, agent or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

Responsibility.

When trustee is unfaithful.

SEC. 6. Whenever the corporation clerk of any village under whose action a board of trustees have been appointed, as herein provided, shall have reason to believe that any one of said trustees has failed in the faithful performance of his duties, it shall be his duty to apply to the court that appointed said trustee, by petition, praying that such trustee be removed and another appointed in his place; and when a vacancy shall occur in said board, from any other cause, it shall be filled in like manner. If the corporation clerk shall fail to make application in either of the foregoing cases, after the request of any of the holders of the bonds issued by said trustees, or by a tax-paper, said bond-holder or tax-payer may file a petition in his own name, on behalf of the holders of such bonds, for like relief, in any court having jurisdiction; and if the court having the action shall adjudge in favor of the plaintiff, he shall be allowed as a part of his costs, a reasonable compensation to his attorney.

Vacancy.

Appropriating lands.

SEC. 7. Whenever in the construction of a line of railway, as herein provided, it shall be necessary to appropriate lands for the foundation of abutments, or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury, and the judgement of the court shall be so varied as to suit the case.

When part of other road is between termini.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or right of way acquired therefor, which can be adopted as part of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

Occupation of public property.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof, belonging to such incorporated village, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriations of such rights or easements by street railway corporations, except that the oath and verdict of the jury, and judgment of the court, shall be so varied as to suit the case.

Leasing road.

SEC. 10. On the final completion of any line of railway, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the terms and conditions which shall be fixed and provided by the council of the incorporated village by which the line of railway is owned.

When person has subscribed stock, etc.

SEC. 11. That whenever any person who has subscribed stock or donations to any railroad company to aid in constructing a railroad to such village, and has paid taxes, assessed and levied by the council of the incorporated village to pay said bonds and interest, the said trutees are hereby authorized and required to credit the amount of said tax on the subscription of said person or persons, to the amount of said subscription or donation.

Advancing money to trustees.

SEC. 12. That the village council of any incorporated village described in this act, may, after trustees have been appointed, as provided in this act, advance to said trustees, out of any funds of such village, such sum as is necessary, not exceeding two hundred dollars, for carrying the object for which they were appointed into effect, and said sum shall be paid out of the trust fund provided for in this act when raised.

Making deeds, contracts, etc.

SEC. 13. Deeds and contracts may be made, and proceedings for appropriations and action may be commenced, either in the name of such incorporated village providing the line of railway, or in the name of the trustees of——— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced or conducted, either in the court of common pleas or probate court, as in other cases of appropriation for the use of municipal corporations.

SEC. 14. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 10, 1879.

[House Bill No. 882.]

AN ACT

To provide for re-recording of destroyed and spoliated records.

When records of any county have been destroyed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any of the records of any county in this state have been or shall be destroyed, in whole or in part, any map, plat, deed, conveyance, mortgage, power of attorney, or other instrument in writing, or record in any other proceeding authorized by the laws of this state to be recorded, which affects real estate in such county, or the continuing rights of parties to such record, and of which the originals or exemplifications of the same have been heretofore recorded, such originals, or exemplifications, or certified copies of the former record, may be re-recorded in the proper office therefor; and in re-recording the same

the officer shall record the certificate of the previous record, the date of filing for record appearing in the original or certified certificate so recorded shall be taken and held as the date of the recording of the instrument to which it is attached; and copies of the records herein authorized to be made, duly certified, shall have the same force and effect as evidence as certified copies of the original records.

Duty of recorder or other officer.

SEC. 2. That when any of the instruments or records aforesaid shall be presented to the county recorder, or other officer, the proper custodian of such records, it shall be the duty of such officer forthwith to record and index the same in accordance with the law for original recording; and some competent person, employed for that purpose by the county commissioners, at a reasonable compensation, shall compare such record with the instrument so recorded, and if the same has been correctly recorded, he shall certify upon the margin of the page upon which such record has been made the correctness of the same, and such recording officer shall receive compensation at the rate of not more than five cents for every hundred words of recording and indexing, to be paid out of the county treasury upon the allowance of the county commissioners of said county.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 11, 1879.

[House Bill No. 537.]

AN ACT

To amend section one of an act passed March 27, 1875 (O. L. v. 72, p. 85), entitled "an act to amend section one of an act entitled an act to fix the rates of toll on turnpike and plank-road companies," passed March 16, 1865. (S. & S., p. 147.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act passed March 27, 1875, entitled "an act to amend section one of an act entitled an act to fix the rates of toll on turnpike and plank-road companies," passed March 16, 1865 (S. & S., page 147), be amended so as to read as follows:

Tolls to be charged by turnpike companies.

Section 1. That every turnpike company entitled to charge tolls by the laws of this state, shall be authorized to receive from persons traveling on or using said road the following tolls and no more, for every ten miles of travel on such road, and in the same proportion for any less distance, to wit: For every four-wheeled carriage or other vehicle drawn by one horse or other animal, fifteen cents, and for each

additional animal, five cents; for every sled or sleigh drawn by one horse or other animal, five cents; for each additional animal, five cents; for every horse or other animal and rider, five cents; for every horse, mule, or ass, six months old or upward, three cents; for every head of neat cattle, six months old or upwards, one cent; for every head of sheep or hogs, one-half cent; for every stage-coach or omnibus, drawn by two horses or other animals, thirty cents; for each additional animal, ten cents; for every two-wheeled carriage, drawn by one horse or other animal, ten cents; for each additional animal, five cents; but on all turnpike roads constructed of, and kept in repair, with two-thirds broken limestone, the companies operating the same may charge and receive for each ten miles of travel on such road, and in the same proportion for any less distance, for every four-wheeled carriage or other vehicle, drawn by one horse or other animal, twenty cents, and for each additional animal, ten cents; for every sled or sleigh, drawn by one horse or other animal, ten cents, and each additional animal, five cents; for every horse, mule, and rider, ten cents; for every horse, mule, or ass, six months old or upwards, five cents; for every head of neat cattle, six months old or upwards, one and a half cents; for every head of hogs, three-fourths of a cent; for every head of sheep, one-half cent; for every stage-coach or omnibus, drawn by two horses or other animals, forty cents; for each additional animal, ten cents; for every two-wheeled carriage, drawn by one horse, fifteen cents: provided, that on all the toll roads in this state, any person or persons going to and from their regular place of worship on Sabbath, funerals, militia musters, elections, jurymen going to and returning from attendance at court, the troops and armies of the United States, and of this state, may pass on any such turnpike or plank-road free of toll.

Tolls on turnpikes constructed and repaired with two-thirds broken limestone.

Proviso.

SEC. 2. That section one of the act to which this is amendatory, be and the same is hereby repealed, so far as it is applicable to turnpikes other than plank-roads.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 12, 1879.

[House Bill No. 823.]

AN ACT

To establish a board of exmaminers of insecure and unsafe buildings, and the appointment of inspectors of buildings.

Establishing board of examiners.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the first grade of the first class a board of examiners of insecure and unsafe buildings is here-

by established, said board to consist of the mayor, fire marshal, and assistant fire marshals.

Duties of board.

SEC. 2. Whenever said board of examiners are informed that any building or other structure, erected or in process of erection, is unsafe, or in a condition or situation to endanger the lives of persons passing by or residing in the vicinity thereof, or to endanger property, they shall forthwith proceed to have made a survey or examination of such building or structure, and if it appear that the same is unsafe, or in a condition or situation to endanger the lives of persons, or to injure property, they shall cause the owner or owners thereof, or his or their agent, to be notified to have the same removed, taken down, or otherwise properly secured, within a certain specified time, in the discretion of the board, after such notice is served or left at the last place of residence of such person; and should such person fail to comply with such notice, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof in the police or other court having jurisdiction, be fined in any sum not less than twenty-five dollars nor more than five hundred dollars, at the discretion of the court; and if said person, after a second notice is so served, fails or neglects to comply therewith, said board of examiners shall proceed forthwith to have such building or structure demolished, or so much thereof as may be necessary for the safety of persons or property, as the case may be.

When a person shall be deemed guilty of a misdemeanor.

Penalty.

Demolishing building.

First payment of cost of demolishing.

SEC. 3. In case of the demolishing of any building or other structure by order of the board of examiners, the cost shall be paid in the first place by the city, out of the general fund, upon a proper voucher for the amount, signed by the mayor and fire marshal; and the auditor, upon the certificate of the fire marshal approved by the mayor, shall then make out bills for the cost of said work of demolishing such building or structure, or any part thereof, against the owners or agents of such building or structure, and in case said bills are not paid upon presentation to such owners or agents by said auditor, or within ten days thereafter, the said bills shall be placed in the hands of the city solicitor, who shall sue forthwith for the same, as in case of other debts due the city, and the amount of said bills shall be a first lien on the property until same is paid, and the amount when paid shall be credited to the general fund.

Bills against owner.

When bills are not paid.

Secretary and his duties.

SEC. 4. It shall be the duty of the secretary of the fire department to act as secretary for the board of examiners, and keep a correct record of the proceedings of said board, in a suitable book or books for that purpose, said book or books to be under his control as secretary, and open to inspection at all times during business hours.

SEC. 5. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 12, 1879.

[House Bill No. 926.]

AN ACT

To provide for the election of an additional judge of the court of common pleas in the second subdivision of the second judicial district.

Election of a judge of common pleas.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the second judicial district there shall be an additional judge of the court of common pleas, who shall be a resident of the second subdivision of said district, composed of the counties of Champaign and Miami.

Time of election and term of office.

SEC. 2. The first election of such additional judge shall be on the second Tuesday of October, 1879, and his term of office shall commence on the first Monday of November, 1879, and shall continue five years.

Notice of election.

SEC. 3. Notice of said election shall be given in the counties of Champaign and Miami, as provided by law, and all other matters pertaining to the election shall be conducted and performed as in case of the election of other judges of said court.

Compensation, jurisdiction, etc., of said judge.

SEC. 4. Such judge shall receive the same compensation, have the same jurisdiction, possess the same powers, discharge the same duties, and be liable to the same penalties as other judges of said court; and a vacancy in the office shall be filled as in other cases.

SEC. 5. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 12, 1879.

[House Bill No. 629.]

AN ACT

To amend sections 4 and 5 of chapter 5, of division 8, of the act entitled "an act to amend, revise and consolidate the statutes relating to municipal corporations, to be known as title 12, part 1, of the act to revise and consolidate the general statutes of Ohio," passed May 14, 1878. (O. L., vol. 75, page 359.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 4 and 5 of chapter 5, of division 8, of

the act entitled an act to amend, revise, and consolidate the statutes relating to municipal corporations, to be known as title 12, part 1, of the act to revise and consolidate the general statutes of Ohio, passed May 14, 1878, be and it is hereby amended so as to read as follows:

Section 4. No corporation, individual, or individuals, shall perform any work in the construction of a street railroad until application for leave is made to the council in writing, and council by ordinance shall have granted permission and prescribed the terms and conditions upon, and the manner in which the road shall be constructed and operated, and the streets and alleys which shall be used and occupied therefor; and any cities of the first and second grade of the first class may renew any such grant at its expiration upon such conditions as they may consider conducive to the public interests.

Construction of street railroad.

Rewewal of grant.

Section 5. No ordinance for such purpose shall be passed until public notice of the application therefor has been given by the clerk of the corporation, in one or more of the daily papers, if there be such, and if not, then in one or more of the weekly papers published in the corporation, for the period of at least three consecutive weeks; and no such grant shall be made, except to the corporation, individual, or individuals that will agree to carry passengers upon such proposed railroad at the lowest rates of fare, and shall have previously obtained the written consent of a majority of the property holders on the line of the proposed street railroad, represented by the feet front of lots abutting on the street along which such road is proposed to be constructed: provided, that no grant, nor renewal of any grant for the construction or operation of any street railroad shall be valid for a greater period than twenty-five years from the date of such grant or renewal; and after said grant or renewal of any grant shall have been made, whether by special or general ordinance, the municipal corporation shall have no power, and are hereby prohibited during the term for which said grant or renewal shall have been made, to release the grantee from any obligations or liability imposed by the terms of said grant or renewal of a grant.

With reference to passing ordinance.

Proviso.

SEC. 2. That this act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ. W. FITCH,
President of the Senate.

Passed June 12, 1879.

[House Bill No. 332.]

AN ACT

To authorize the board of public works to enlarge a culvert under the Ohio canal in Circleville township, Pickaway county.

Enlarging a culvert.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works be and are hereby authorized and directed to enlarge a culvert under the Ohio canal at or near where Dry Run crosses the said canal, in Circleville township, Pickaway county, to such a depth and size as to carry off the water accumulated in Dry Run by the ditching and draining of the large extent of territory through which the said Dry Run passes, and prevent the overflow and injury of tillable land adjacent.

Letting work.

SEC. 2. The board of public works are hereby authorized to let said work by contract to the lowest responsible bidder, or cause the same to be done under the supervision of some competent superintendent, as they may deem for the best interests of the state.

Appropriation.

SEC. 3. To enable the board of public works to carry into effect the provisions of this act, the sum of nine hundred dollars is hereby appropriated, to be paid out of the general revenue fund, on the certificate of said board.

SEC. 4. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ. W. FITCH,
President of the Senate.

Passed June 12, 1879.

[House Bill No. 791.]

AN ACT

To authorize municipal corporations, counties, and townships, to levy taxes for special improvements, and for the payment of debts.

Authorizing municipal corporations or townships to issue bonds for local improvements.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever the inhabitants of any municipal corporation, or township need any local improvement, requiring an expenditure of money, whenever they desire to erect a town hall, school house, fire engine house, prison, corporation offices, or infirmary, to construct one or more bridges, a vault or cistern; to purchase sites upon which to build any of the above named improvements; to purchase a fire engine, hose, and apparatus; to build or improve a turnpike, or to purchase one or more turnpike roads, and make the same free roads; to improve or repair any of the above named objects, or to secure a more complete enjoyment of the same; to borrow money to cover a deficiency arising from defalcation or other cause, to procure money for the

payment of any bond, award, claim, or other indebtedness, or to make any improvement of a local character, not herein specified, and for which a tax may be constitutionally levied, it shall be lawful for the council of said municipal corporation, or the trustees of said township to issue and sell their bonds, in amounts and in denominations such as they may deem necessary for the special purpose in view: provided, that no bonds issued under this act shall be sold for less than par, or draw more than six per cent. interest.

Proviso.

Tax to be levied for payment of bonds.

SEC. 2. For the purpose of paying the bonds authorized to be issued by this act, the council of the municipal corporation or the trustees of the township are hereby authorized and empowered to levy a tax upon all the taxable property in the municipal corporation or township where the improvement is needed, or the bond, award, claim or indebtedness is to be paid, as provided by law, in addition to the amount theretofore levied, to be levied every year during the period the bonds issued have to run, sufficient in amount each year to redeem the bonds that will fall due in that year, with the accruing interest.

Issue of bonds to be submitted to voters.

SEC. 3. Before the issue of any bonds, as provided in this act, the question of the issue shall be submitted to a vote of the qualified electors of the municipal corporation or township in which the improvement is desired, or in which the bond, award, claim, or other indebtedness is to be paid, at a general election, of which thirty days' notice shall be given in one or more newspapers printed in said municipal corporation or township, the same to be published in said newspaper or newspapers at least four consecutive weeks, and to state the amount of bonds it is proposed to issue, the purpose for issuing them, and the time and place of holding the election. If no newspaper is published in the township or village, said notice shall be posted in a conspicuous place, and published four times in one or more county papers of general circulation in said township or village; and if two-thirds of the electors voting at an election held under this act, in any municipal corporation or township, upon the question of issuing bonds, shall vote in favor of said issue, then, and not otherwise, shall said bonds be issued. Those who vote in favor of the issue shall have written or printed upon their ballots the words, "For the issue of bonds;" those who vote against the issue shall have written or printed upon their ballots the words, "Against the issue of bonds."

Notice of election.

Vote necessary to the issue of bonds.

SEC. 4. This act shall take effect and be in force from and after its passage.

JAMES E NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 12, 1879.

[House Bill No. 645.]

AN ACT

To amend section three of an act entitled "an act supplementary to an act to provide for the appointment of commissioners to examine claims growing out of the Morgan raid, and prescribing their duties," (vol. 61, page 85, S. & S. 466), passed May 13, 1878 (vol. 75, page 528).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three of the above entitled act be so amended as to read as follows:

Where and when commissioners shall hold meetings.

Section 3. Said commissioners shall have such meetings in Columbus, prior to January 1, 1880, as they may deem necessary for the proper performance of their duties upon application of any claimant, who may appear in person or by attorney, under such regulations as the board may adopt.

SEC. 2. That section three of the above recited act of May 13, 1878, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 12, 1879.

[House Bill No. 788.]

AN ACT

To amend the act of April 27, 1872, entitled "an act to regulate insurance companies doing an insurance business in the state of Ohio." (Vol. 69, O. L., p. 140.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section thirty (30), chapter two (2), of said act be so amended as to read as follows:

How a married woman may cause the life of her husband to be insured.

Section 30. Any married woman may, by herself, and in her own name, or in the name of any third person, with his assent as her trustee, cause to be insured the life of her husband, for her sole use, for any definite period, or for the term of his natural life, and if she survive such period or term, the amount of insurance becoming due and payable by the terms of the insurance shall be payable to her, to and for her own use, free from the claims of the representatives of the husband or of any of his creditors; a policy of insurance on the life of any person, duly assigned, transferred, or made payable to any married woman, or to any person in trust for her or for her benefit, whether such transfer is made by her husband or other person, shall inure to her separate use and benefit, and that of her children, independently of her husband or his creditors, or of the person effecting or transferring the same, or his creditors; and the amount of the in-

To whose benefit policy is to inure.

surance provided for in the preceding section or this section may be made payable, in case of the death of the wife before the period at which it becomes due, to his or their children, for their use, as shall be provided in the policy of insurance, and to their guardian if under age; but should there be no children upon the death of the wife, said policy shall revert to and become the property of the party whose life is insured, unless said policy shall have been transferred as hereinafter provided, and if by its terms, or a transfer thereof, a policy is payable to a married woman solely for her use, she may sell, assign, or surrender the same, provided that the party whose life is insured shall concur and become a party to the transfer; but if a policy be procured by any person with intent to defraud his creditors, an amount equal to the premium paid thereon, with interest, shall inure to the benefit of his creditors, subject, however, to the statute of limitations.

In case wife dies.

When there are no children.

When policy is procured with intent to defraud.

SEC. 2. That section thirty (30), chapter two (2), of said act be and the same is hereby repealed.

Repeal.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 12, 1879.

[Senate Bill No. 382.]

AN ACT

To provide for securing title to land for park purposes in certain cities.

When certain cities wish to appropriate lands for a public park

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any city of the first class and second grade which has heretofore adopted, or may hereafter adopt, by its council, a resolution declaring its intent to purchase or appropriate certain specified lands for park purposes, and has by ordinance provided for a direct levy of a tax for the purpose of accumulating a fund to enable such city to pay for the same, it shall be lawful, and such city is hereby authorized and empowered to acquire and secure by deed, or contract, the title to such lands not exceeding fifty thousand dollars in price thereof, and to enter into possession of the same, and to apply such funds in whole, or by installments, as the same may be levied and collected in payment for such lands in accordance with the terms of such deed or contract.

SEC. 2. This act shall take effect from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 10, 1879.

[Senate Bill No. 358.]

AN ACT

To amend section thirty-five of an act entitled "an act to amend, revise, and consolidate the statutes relating to crimes and offenses," passed April 10, 1878. (O. L., vol. 75, page 108.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the above recited act be so amended as to read as follows:

Penalty for killing, injuring, or catching fish in any body of water except those specified, by other means than hook and line.

Section 35. Whoever, in any of the waters of any creek, river, canal, lake, pond, or reservoir, or in any body of water, whether artificial or natural, lying within the state of Ohio, except the waters of lake Erie, Mercer county reservoir, and Laramie reservoir in Shelby county, injures, kills, or catches in any other way than by hook and line, any fish, except minnows, or owns or possesses any fish pond, fish net, fish trap, or fish seine, except seines to catch minnows, in or connected with any of the waters in the state of Ohio, except the waters of lake Erie, Mercer county reservoir, and Laramie reservoir, in Shelby county, or whoever in any way maliciously disturbes any fish in any private fish pond, shall be fined for each offense not more than fifty dollars nor less than ten dollars, or be imprisoned in the jail of the county not less than ten nor more than sixty days: and provided further, that it shall be unlawful to catch or destroy fish in any manner, except with hook and line, during the spawning season, except in reservoirs containing one thousand acres or more, from the first day of April to the fifteenth day of June in each year, with the same penalties for a violation of this provision as above provided in other cases.

SEC. 2. That section thirty-five in the above entitled act be and the same is hereby repealed, and that this act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 12, 1879.

[House Bill No. 1069.]

AN ACT

To amend section one of an act entitled "an act to authorize the commissioners of Pike county to build an improved road, and the board of public works to grant certain rights."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said section one be amended so as to read as follows:

Improved road for Pike county.

Section 1. That the board of public works is hereby authorized to grant to the commissioners of Pike county the right to make, upon the towing-path or the berme bank of

the Ohio canal, from Waverly, in said county, south to the line between Scioto and Pike counties, an improved or graveled road, upon such terms and under such restrictions and regulations as the said board of public works may prescribe.

SEC. 2. This act shall take effect on its passage, and said original section one is hereby repealed.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 12, 1879.

[Senate Bill No. 370.]

AN ACT

To provide for the boundaries of the bed of the part of the Miami and Erie canal which has been abandoned and conveyed to the city of Toledo.

WHEREAS, The state has abandoned and conveyed to the city of Toledo the Manhattan branch (so called) of the Miami and Erie canal, extending from Swan creek, in said city, to the former outlet into the Miami river at Manhattan; and, **Whereas.**

WHEREAS, It is understood that there are no records or plats showing definitely the lines of boundary of the land formerly occupied by the state for the use of said abandoned canal; now, therefore, in order to provide a way to determine said lines and to preserve the evidence thereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court of common pleas of the county of Lucas shall, upon the application of the city solicitor of the said city of Toledo, appoint a commission, consisting of not less than three nor more than five suitable persons, who shall at once proceed to survey and determine the boundaries of the land formerly occupied by the state for the purposes of said canal before its abandonment, and mark the same by suitable monuments, and make maps and plats of the same, with suitable descriptions, to be preserved as hereinafter provided. **Court of common pleas shall appoint a commission.** **Their duties.**

SEC. 2. That said commissioners shall be authorized to take the testimony of witnesses, when it shall be deemed necessary, in order to determine where said boundaries are, and for that purpose either of them shall have the power to administer oaths, and the matter shall be considered and treated as a proceeding pending in the said court of common pleas. **Authority of commissioners.**

SEC. 3. The said commissioners, upon the completion of the work for which they are appointed, shall report the same to the said court of common pleas, and if the said court shall **When work is completed.**

be satisfied that all their proceedings have been in conformity to the provisions of this act, it shall enter an order approving the same; and thereupon the maps, plans, notes of surveys, and descriptions so made by the said commission shall be recorded in the book of plats in the recorder's office of said county, and the said record, or duly certified transcript thereof, shall, in any judicial proceeding involving questions touching the limits or boundaries of the said abandoned canal, be received and taken as prima facie evidence of all matters therein contained.

Costs, etc.

SEC. 4. All costs and expenses in these proceedings, including the compensation of said commissioners, shall, after the allowance of the said court, be paid by the said city of Toledo.

SEC. 5. This act shall take effect on and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 13, 1879.

[House Bill No. 421.]

AN ACT

To authorize the Board of Public Works to lower the culvert under the canal, near the village of Groveport, in Franklin county.

Board of public works to lower a culvert.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works is hereby authorized and directed to lower the culvert under the canal at a point about one-eighth of a mile, a little north of east of the village of Groveport, in Franklin county, to such a depth as the agricultural interest and the health of the locality requires.

Let contract.

SEC. 2. Said board of public works are authorized to let the whole, or any part of said work, by contract, to the lowest responsible bidder, or cause the same to be done, under the supervision of some judicious and competent superintendent, as they may deem best for the interest of the state.

Appropriation.

SEC. 3. To enable the board of public works to carry into effect the provisions of this act, a sum of money, not exceeding fifteen hundred dollars, is hereby appropriated, to be drawn out of the general revenue fund, on the certificate of said board.

SEC. 4. This act shall be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 17, 1879.

[House Bill No. 1085.]

AN ACT

Supplementary to the act of May 22, 1879, entitled "an act making appropriations for the fiscal year 1879, and the first quarter of the fiscal year 1880, payable out of the revenue fund." (76 v. 99.)

Appropriation for Dayton insane asylum.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby appropriated, for repairs of the heating apparatus of the Dayton asylum for the insane, out of any money in the treasury to the credit of the revenue fund not otherwise appropriated, the sum of fifteen hundred dollars.

SEC. 2. This act shall take effect on its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 21, 1879.

[Senate Bill No. 313.]

AN ACT

To amend the act of May 11, 1878, entitled "an act to revise and consolidate the laws relating to procedure before justices of the peace and mayors." (74 v. 971.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seventeen, of chapter one, of said act be amended so as to read as follows:

Attachment for the recovery of money.

Section 17. The plaintiff shall have an order of attachment against any property of the defendant (except as hereinafter provided) in a civil action before a justice of the peace, for the recovery of money, before or after the commencement thereof, when there is filed in his office an affidavit of the plaintiff, his agent, or attorney, showing the nature of the plaintiff's claim, that it is just, the amount the affiant believes the plaintiff ought to recover, and that the property sought to be attached is not exempt from execution, and, if the personal earnings of the defendant are sought to be attached, that the defendant is not the head or support of a family, or that such earnings are not for services rendered within three months before the commencement of the action, or that being earned within that time the same amount to more than one hundred and fifty dollars, and that only the excess over that amount is sought to be attached; and also the existence of some one, or more, of the following particulars:

1. That the defendant, or one of several defendants, is a corporation, having no officer upon whom a summons can be served, or place of doing business in the county, or is a nonresident of the county: provided, that no proceedings in at-

tachment shall be had to garnishee the salary or wages of the employé of a railroad company, by reason of his non-residence, except before a justice in, and on account of his being a non-resident of, the county in which his liability was incurred; or,

2. Has absconded with intent to defraud his creditors; or,

3. Has left the county of his residence to avoid the service of a summons; or,

4. So concealed himself that a summons can not be served upon him; or,

5. Is about to remove his property, or a part thereof, out of the county, with intent to defraud his creditors; or,

6. Is about to convert his property, or part thereof, into money, for the purpose of placing it beyond the reach of his creditors; or,

7. Has property, or rights of action, which he conceals; or,

8. Has assigned, removed, or disposed of, or is about to assign, remove, or dispose of his property, or a part thereof, with intent to defraud his creditors; or,

9. Fraudulently or criminally contracted the debt, or incurred the obligation, for which suit is about to be, or has been brought. When the defendant is a corporation, having no officer in the county upon whom a summons can be served, or place of doing business in the county, or is a non-resident of the county, the attachment shall not be granted, unless the claim is for a debt or demand arising upon contract, judgment, or decree, and no attachment shall issue by virtue of this chapter against the personal earnings of any defendant for services rendered by such defendant within three months before the commencement of the action or the issuing of the attachment, unless the defendant is not the head or support of a family, or unless the amount of such earnings exceeds one hundred and fifty dollars, and then only as to the excess over that amount. [59 v. 17, § 28; S. & S. 420.]

SEC. 2. Said original section seventeen is hereby repealed, and this act shall take effect on its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 9, 1879.

[Senate Bill No. 363.]

AN ACT

To amend the act of May 14, 1878, entitled "an act to amend, revise, and consolidate the statutes relating to municipal corporations, to be known as title twelve, part one, of the act to revise and consolidate the general statutes of Ohio." [75 v. 161, 394.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one (1), chapter fifteen (15), of division eight (8), of the above recited act be so amended as to read as follows:

Section 1. The council of any city or village may license all exhibiters of shows, and performances of any kind not prohibited by law, hawkers, and peddlers, auctioneers of horses and other animals in the highways or public grounds of the corporation, venders of gunpowder and other explosives, taverns and houses of public entertainment, and hucksters in the public streets or markets; and regulate the sale of produce and other merchandise from canal boats, vessels, railroad depots, and from cars on railroad tracks; and in granting such license, may exact and receive such sum of money as it may think expedient; but nothing in this section shall be construed so as to authorize any municipal corporation to require a license to vend or sell, by the manufacturer, any article or product manufactured within the state of Ohio. Issuing licenses.

SEC. 2. That section one (1), chapter fifteen (15), division eight (8), of said act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 9, 1879.

[House Bill No. 990.]

AN ACT

To amend the act of May 5, 1877, entitled "an act to amend, revise, and consolidate the statutes relating to crimes and offenses, and to repeal certain acts therein named, to be known as title one, crimes and offense, part four, of the act to revise and consolidate the general statutes of Ohio." (Vol. 74 O. L., p. 246.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-two, chapter three, of said act be amended so as to read as follows:

Penalties for attempting blackmail.

Section 22. Whoever shall, either verbally or by any letter or writing, or any written or printed communication, sent or delivered by him, demand of any person, with menaces, any chattel, money, or other valuable security; or if any person shall accuse, or shall knowingly send or deliver any letter or writing, or any written or printed communication, with or without a name, or with any letter, mark, or designation, accusing, or threatening to accuse any person of any crime punishable by law, or of any immoral conduct, which, if true, would tend to degrade and disgrace such person, or to expose or publish any of his infirmities or failings, or in any way to subject him to the ridicule or contempt of society, or to do any injury to the person or property of any one, with the intent to extort or gain from such person any chattel, money, or valuable security, or any pecuniary advantage whatsoever, or with intent to compel the person threatened to do any act against his will, with the intent aforesaid, every such offender shall be deemed guilty of an attempt to rob, and be punished by imprisonment in the penitentiary not less than one nor more than five years, and may be fined not more than one thousand dollars.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 17, 1879.

[Senate Bill No. 368.]

AN ACT

Amendatory to an act passed March 3, A.D. 1879, to change the time of holding a district court in Logan county, in the first subdivision of the third district in Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the time fixed by the act passed March 3, 1879, of holding the district court in Logan county, in the first subdivision of the third district, be so amended that

said court shall commence in said county of Logan, September 1, A.D. 1879, instead of the 15th of July, as by said act fixed.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 11, 1879.

[Substitute for House Bill No. 708.]

AN ACT

Supplementary to sections one and two, of chapter four of an act passed May 11, 1878, entitled an act to amend and revise the statutes relating to taxation, to be known as title thirteen, part one, of the act to revise and consolidate the general statutes.

Authorizing board of equalization to reduce taxes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the annual county board for the equalization of real and personal property of any county having within its limits a city of the third grade of the first class, are hereby authorized to reduce the taxable valuation of the lots and lands in said county lying within the territory annexed to said city in 1873, as were advanced in taxable valuation upon the duplicate of said county, for the years 1874 and 1875, to the taxable valuation of such lots and lands as they stood upon such county duplicate prior to such advance by said boards of 1874 and 1875, or to such a taxable valuation as in their judgment shall equalize the valuation of said lots and lands with the valuation of other lots and lands in said county, but not below the taxable valuation of such lots and lands as they stood upon said county duplicate for the year 1873. And the annual board of equalization for any city of the third grade of the first class shall have like power to restore the taxable valuation of such lots and lands within the limits of said city as were advanced upon the county duplicate by the boards of equalization of such city for the years 1874 and 1875, to the taxable valuation of such lots and lands as they stood upon such county duplicate prior to such advance by the boards of equalization for the years 1874 and 1875, or to such a taxable valuation as in their judgment shall equalize the taxable valuation of said lots and lands with the taxable valuation of other lots and lands in said city, but not below the taxable valuation of such lots and lands as they stood upon said county duplicate for the year 1873.

Duties of county auditor.

SEC. 2. In case said board or boards of equalization shall reduce the valuation of said lots and lands, as authorized in section one (1) of this act, it shall be the duty of the county

auditor, upon application of the owner of any portion of said lots or lands desiring to pay the taxes upon his said lots or lands upon the tax duplicate of 1878, to issue to such owner a refunding order for the difference between the taxes on his said property appearing on the said tax duplicate and the amount due and unpaid on said property when the taxes shall have been computed on such reduced valuation for the several years since, and including 1875, during which said property has remained delinquent; and it shall be the further duty of the county auditor to place upon the tax duplicate of 1879 such amount of taxes upon any of such lots or lands remaining delinquent for any or all of the years since, and including 1875, as will result from the rates levied for such years upon such reduced valuation.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 17, 1879.

[House Bill No. 1079.]

AN ACT

For the relief of the poor in certain cases.

Physicians and medicines for the poor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all counties of the state having, according to the last federal census, a population of twenty one thousand seven hundred and fifty-nine, the township trustees of said counties may contract with one or more competent physicians to furnish the needful relief, or the medical relief and medicines necessary for the paupers of their respecive townships, who come under their charge under the general laws of the state; but none of said contracts shall extend beyond the term of office for which said trustees were elected.

Powers of trustees.

SEC. 2. Said trustees shall have the power to discharge any of said physicians for proper cause.

Limit of compensation.

SEC. 3. In all townships in said counties where trustees do not avail themselves of the provisions of the first section of this act, the maximum limit of compensation for medical services rendered to paupers under the charge of said trustees, shall be seventy per cent. of the regular fees charged by physicians for similar services.

SEC. 4. The existing laws with regard to notice and all pre-existing legislation not in direct conflict with the provisions of this act shall be and remain in full force.

SEC. 5. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 17, 1879.

[House Bill No. 944.]

AN ACT

To amend an act passed May 13, 1878, entitled "an act for the reorganization and better management of the soldiers' and sailors' orphans' home, located at Xenia, and to repeal certain sections therein named." (Ohio Laws, vol. 75, page 591.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), fourteen (14), fifteen (15), sixteen (16), eighteen (18), twenty-one (21), twenty-two (22), and twenty-three (23) of said act be so amended as to read as follows:

Trustees to appoint officers.

Section 2. Said board of trustees shall, as soon as convenient, appoint a superintendent for said institution who shall hold his office for two years, unless sooner removed; and on the nomination of such superintendent, said board may appoint a clerk, a matron, and physician, and such teachers and assistants as they may deem advisable; and such trustees shall fix all salaries not otherwise determined by law, and they shall also prescribe rules and by-laws for the government of the institution.

Board to receive children.

Section 3. That said board of trustees are hereby authorized and required to receive into said home, under such rules and regulations as they adopt, the children and orphans residing in Ohio, of such soldiers and sailors as lost their lives in the army or navy of the United States in the late civil war, or who have died by reason of wounds received or disease contracted in said service, that are found to be destitute of the means of support and education; and if there be not applications sufficient for admission of this class to fill the home, the board may admit the children of those soldiers and sailors of said service who have since died from any cause, if found destitute as aforesaid; and if the applications of both said classes are not sufficient to fill the home, the board may admit the children of permanently disabled or indigent soldiers and sailors of said service, found destitute as aforesaid; and all children admitted shall be supported and educated till they are sixteen years of age, unless for good cause sooner discharged. Said board of trustees may, in the case of orphans who are crippled or disabled, and in the judgment of the board are unable to earn a livelihood, retain said orphans until they arrive at the age of eighteen years.

Board to observe rules.

Section 4. The board shall, in the admission of children, observe the rules prescribed in the foregoing section; and every county shall be entitled to its proportion, according to population, of the whole number that the home will accommodate, and no county is permitted hereafter to have admitted into the home an excess over its proportion, unless some of the counties refuse or neglect to make application within a reasonable length of time to have their quota filled.

Duties and powers of trustees.

Section 5. That said trustees shall afford to all pupils under their charge such educational, technical, industrial, and art education as can be made accessible to them. Said trustees shall have power to establish schools for the purpose of education, and shall also establish and maintain within the grounds of the home, shops wherein suitable trades may be taught and practiced in a thorough and comprehensive manner, and under their regulation the superintendent shall have power to employ the proper persons to teach the pupils under their charge, and to dismiss such instructors for cause.

Additional powers of trustees.

Section 5. That the trustees and, under their regulations, the superintendent, shall have power to purchase books, material, tools and machinery necessary to carry out the purposes of this act, and to dispose of the productions of the pupils to the best advantage of the institution, accounting for the proceeds and expenditures in their annual report; and the board of trustees are hereby authorized, when in their opinion the best interests of any inmate of said home would be subserved thereby, to secure a home in a private family for such child upon such terms as they may agree upon, reserving the right to replace it in the home when they shall deem it best for such child.

Pupils to select a trade or occupation.

Section 6. Those working inside the institution shall be entitled, on their discharge, to the net earnings during the two years previous, to be approximated by the trustees and, under their regulations, by the superintendent; the pupils shall have the right to select for themselves such trade or occupation as they may wish to engage in, but every pupil, male or female, remaining in the institution after having completed his or her fourteenth year, except in cases of debility or ill-health, must devote him or herself for part of his or her remaining time to the learning of one of the occupations provided for; and when the pupils are discharged, the trustees, through the superintendent, shall, so far as practicable, keep in communication with the pupils, to enable them to report to the governor and general assembly in regard to these children of the state.

Duties of board.

Section 7. It shall be the duty of said board of trustees quarterly to visit said institution, and they shall, from their number, appoint an executive committee, composed of two members of said board, who shall make monthly visits to the same, and they shall examine the institution and the accounts of the superintendent; and each shall certify his

approval, or otherwise, on the page with the monthly balances of such superintendent, and also on the duplicate monthly balance sheet herein provided for, subject, however, to the review of the board at their quarterly or special meetings thereafter held. They shall make a record of their proceedings at all meetings, in a book to be kept for that purpose, by the secretary of the board, and on the fifteenth of November, of each year, they shall make a report to the governor of the condition and wants of the institution, which shall be accompanied by full and accurate reports of the superintendent, in which shall be stated, among other things, the name, wages, and time of each employe during the year. The said report of the trustees shall contain a summary statement of all contracts entered into during the year, and the names of all persons interested in such contracts. Special meetings of the board may be held on the call of the president thereof: provided, each member shall have at least three days' notice thereof, in writing, together with a statement of the object for which the meeting is called. The trustees and their successors in office shall have the power to receive and hold in trust, for the use and benefit of said institution, any grant or devise of land, or any donation or bequest of money, or personal property to be applied to the maintenance and support of any person or persons therein, or the general use of such institution.

Keep record.

Special meetings.

Section 8. The superintendent shall keep a full and true account of receipts, and an itemized account of all disbursements, in a proper book, always open to the inspection of the trustees, and shall balance the same on the fifteenth day of each month; and he shall prepare and have ready at the same time, in duplicate, a balance sheet showing the amount of money received during the preceding month, and the balance on hand at the commencement thereof, and also a full and itemized account of all expenditures and payments during the same period, and a summary of all contracts entered into, with the name of each person interested therein; and he shall also take and arrange, according to the entry in such duplicate balance sheet, all vouchers and receipts for all disbursements during said month. After the said duplicate and balance sheets shall have been indorsed by the superintendent and board of trustees, as provided for in this act, the superintendent shall, within two days thereafter, file said duplicate and vouchers pertaining thereto, in the office of the probate court of Greene county, and he shall take and subscribe an oath before said court, to be indorsed on each duplicate balance sheet, that the said account is a full, true, and correct account of his trust for the preceding month or months during the said quarter, to the best of his knowledge and belief.

Duties of the superintendent.

Section 14. The said board of trustees may, at their pleasure, remove any matron, physician, teacher, or employe, and they may remove the superintendent also for incompetency,

Powers granted trustees.

gross neglect of duty, or refusal to discharge the duties devolving upon him, or for any misconduct which renders it improper for him longer to continue at the head of the institution, and may direct the discharge of a pupil or inmate, when they shall deem it expedient. The superintendent may supend any physician, matron, or employe, and at the first meeting of the trustees thereafter, he shall submit in writing the cause for which suspension was made, and if the trustees find cause of offense sufficient, they shall approve the action of the superintendent, but if the offense of the party so suspended is not of a character to merit a discharge, the trustees shall restore him to duty, and his pay shall continue as if no suspension had taken place. Any officer or employe who shall be discharged for misconduct, shall not thereafter be permitted to hold any position or place in the institution.

Power granted superintendent.

Not interested in contracts.

Section 15. No trustee, or any officer of the institution, shall hereafter be either directly or indirectly interested in the purchase of building materials, or any article of furniture or supply for the use of, or in any contract in behalf of said institution, and no member of any board of trustees shall hereafter be eligible to the office of superintendent of said institution during the term for which he was appointed, nor within one year after his term shall have expired; and the said board and superintendent shall, on the fifteenth day of November, in each year, make their report to the governor of the condition of such institution, and an estimate of the several necessities of the institution for the succeeding year: provided, that whenever the fifteenth day of any month shall be Sunday, then the duties required by this act to be performed on that day, may be performed on the following Monday.

Make report.

Proviso.

Capabilities and character of superintendent.

Section 16. That the superintendent of said home shall be a person of acknowledged ability and fitness for his office, and shall sustain a good moral character. He shall have entire control of the educational, moral, and dietetic treatment of the inmates and pupils, and shall see that the several officers and employes in the institution faithfully and diligently discharge their respective duties. He shall employ such attendants, nurses, servants, and such other persons as he may deem necessary for the efficient and economical management of the institution, and assign them their respective places and duties. The superintendent and matron shall devote their entire time to the interests of the home.

Appointing a clerk.

Section 18. The board of trustees shall, on the nomination by the superintendent, appoint a clerk for said institution, who shall hold his office at the pleasure of the board. Such clerk shall, before entering on his duties, enter into a bond with the state of Ohio, with at least two good and sufficient sureties, to be approved by the attorney-general, in the sum of five thousand dollars, conditioned that he will faithfully and honestly perform the duties of his office, which duties

shall be prescribed by the board of trustees, and pay over and account for all moneys and property that shall come into his hands by reason of his said office, belonging to the state, or to any other person, which bond, with his oath of office indorsed thereon, shall be filed in the office of the governor.

Providing against dishonesty among trustees and officers.

Section 21. That any trustee, superintendent, clerk, physician, or matron who shall conceal, or convert to his or her own use, any money or other property of a value of thirty-five dollars, belonging to said institution, or belonging to the state of Ohio, or who shall cheat, or attempt to cheat, or collude with any other person to cheat or defraud such institution or the state of Ohio, in any manner whatever, shall be deemed guilty of a misdemeanor, and on conviction thereof before the proper court, shall be imprisoned in the penitentiary and kept at hard labor not more than ten years nor less than one year. And any trustee, superintendent, clerk, physician, or matron who shall be directly or indirectly interested in any contract for the purchase of any building material, or article of furniture supply, provisions for the use of said institution, or for any building or improvement, shall, on conviction thereof before the proper court, be punished by imprisonment in the penitentiary at hard labor not less than one year nor more than ten years.

Salaries.

Section 22. The superintendent shall receive as compensation for his said services the sum of ten hundred dollars ($1000) a year; the clerk, five hundred dollars ($500) a year; the matron, three hundred dollars ($300) a year; the physician, five hundred dollars ($500) a year; the matrons of cottages, thirty dollars ($30) per month; superintendent of instruction, seven hundred dollars ($700) a year; school teachers, thirty dollars ($30) per month; seamstresses, fourteen dollars ($14) per month. Said salaries shall be paid by the superintendent, in monthly installments, and receipts taken, and the several amounts carried into the monthly accounts of the superintendent.

Studies.

Section 23. The curriculum of the studies of the home for those having passed the thirteenth year, shall be such as to assist them most effectively in their future pursuits. The division and assignment into schools and classes shall be so regulated that the pupils may have the benefit of instruction in approved literary branches, at such hours as would appear to be most practicable, whether given in evening schools, half-time schools, or in schools during certain seasons only.

Introduction of branches of industry.

Section 25. Whatever branches of industry the trustees may find proper to introduce, they shall endeavor to have them taught and practiced in such a thorough and comprehensive manner that the soldiers' and sailors' orphans' home shall be considered as a model school for that particular branch of industry; and said board of trustees shall have power to make all necessary arrangements to carry into effect the purposes of this act.

Repeal.

SEC. 2. That said original sections two, three, four, five, six, seven, eight, fourteen, fifteen, sixteen, eighteen, twenty-one, twenty-two, and twenty-three of the above recited act be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
Passed June 17, 1879. *President of the Senate.*

[House Bill No. 1008.]

AN ACT

Making appropriations for certain purposes for the fiscal year 1879, and the first quarter of the year 1880.

Appropriations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in addition to other appropriations made for the fiscal year 1879, there is hereby appropriated for the fiscal year 1879, and the first quarter of the fiscal year 1880, out of any moneys in the treasury to the credit of the general revenue fund, and not otherwise appropriated, the following sums, to-wit:

For Adjutant-General's Office.

Adjutant-general.

Salary of adjutant-general, fifteen hundred dollars. $1,500.00.

Salary of assistant adjutant-general, eleven hundred and twenty-five dollars. $1,125.00.

Salary of one clerk, nine hundred dollars. $900.00.

Superintendent of arsenal, who shall discharge the duties of ordnance clerk, six hundred and seventy-five dollars. $675.00.

Salary of two clerks to transcribe muster rolls, sixteen hundred dollars. $1,600.00.

Labor at arsenal and care of arms, four hundred and sixty-one dollars. $461.00.

To pay Henry C. Briggs for taking care of grave-yard during the year 1877, twenty-five dollars. $25.00.

Repairs of arsenal, two hundred dollars. $200.00.

Contingent expenses (including $555.33, expenses incurred for inspection of troops and armories), the sum of fifteen hundred and fifty-five dollars and thirty-three cents. $1,555.33.

Expenses of batteries, seventeen hundred and seven dollars. $1,707.00. (Vol. 73, p. 179.)

Expenses of military companies, ten thousand dollars. $10,000.00. (Vol. 74, p. 235.)

Uniforms for Ohio national guards, twelve thousand five hundred dollars. $12,500.00.

Expenses of courts-martial, four hundred dollars. $400.00.

Pay of guards while in camp, forty-five thousand dollars. $45,000.00.

Expenses of guards at Mansfield and Chillicothe, under order of the governor, three hundred and seventy-eight dollars. $378.00.

State House and Grounds.

State house and grounds.

Care of state house and grounds, two thousand dollars. $2,000.00.

For pay of employés, nine thousand dollars. $9,000.00.

Fuel for capitol, seven hundred dollars. $700.00.

Repairing heating apparatus, five hundred dollars. $500.00.

Water rent, eight hundred dollars. $800.00.

One day policeman, seven hundred and twenty dollars. $720.00.

Miscellaneous.

Miscellaneous.

Deficiency in the salary of two clerks, transcribing muster rolls, from February 1, 1878, to February 15, 1879, four hundred and forty-nine dollars. $449.00.

Advertising tent contract, one hundred and sixty-four dollars and fifty cents. $164.50.

Compensation of board appointed to prepare code of regulations, sixty dollars. $60.00.

For Legislature.

Legislature.

Contingent expenses, one thousand dollars. $1,000.00.

Per diem and mileage of members of the General Assembly, and per diem of clerks, assistant clerks, sergeant-at-arms, assistant sergeant-at-arms, and payment of messengers, pages, and other employés, fifteen thousand dollars. $15,000.00.

For Girls' Industrial Home.

Girls' industrial home.

For hose and repair of fire apparatus for the industrial school for girls, five hundred dollars. $500.00.

For Imbecile Asylum.

Imbecile asylum.

Enclosures, fifteen hundred dollars. $1 500 00.

For Penitentiary.

Penitentiary.

For steam heating, ten thousand dollars. $10,000.00.

For Soldiers' and Sailors' Orphans' Home.

Soldiers' and sailors' orphans' home.

To pay James B. Monroe for furnishing materials and painting school building, Ohio soldiers' and sailors' orphans' home, four hundred and eighty dollars and sixty-five cents. $480.65.

Athens Asylum for the Insane.

Athens insane asylum.

For grading and fencing, one thousand dollars. $1,000.00.

Columbus Insane Asylum.

Columbus insane asylum.

Additional amount required for salaries, seven hundred dollars. $700.00.

Appropriations for clerks.

SEC. 2. The appropriations for clerks herein made shall be in full to February 15, 1880; no part of the moneys hereby appropriated to pay guards while in camp shall be allowed or paid to any substitutes or persons other than guards, and no allowance or payment shall be made to guards under section 36 (74 O. L., 236), except for the time actually in camp, and no deficiency shall be created by any officer or other person for any purpose for which the foregoing appropriations are made (except for transportation of troops to camp). No extra compensation shall be allowed or paid to any clerk, and money hereby appropriated for one purpose shall not be used for any other purpose.

SEC. 3. This act shall take effect on its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 18, 1879.

[House Bill No. 1080.]

AN ACT

To amend the act passed June 7, 1879, entitled "an act to regulate the fees and compensation of county auditors, probate judges, clerks of court, sheriffs, coroners, treasurers, and recorders."

Repeal.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections twelve and thirty-five of said act be and the same are hereby repealed.

SEC. 2. This act shall take effect from its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 18, 1879.

[House Bill No. 1065.]

AN ACT

To reduce the salary of certain officers therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following be inserted as sec. 2, chapter 1, of title 9, of the code of Ohio:

Salaries of public officers.

SEC. 2. Annual salaries shall be allowed as follows: To the governor, four thousand dollars; private secretary of the governor, eight hundred dollars; executive secretary of the governor, fifteen hundred dollars; adjutant-general, two thousand dollars; assistant adjutant-general, fifteen hundred dollars; lieutenant-governor, eight hundred dollars; judges of the supreme court and supreme court commission, three thousand dollars each; judges of the court of common pleas and of the superior court of Cincinnati, and the superior court of Montgomery county, two thousand five hundred dollars, each; secretary of state, two thousand dollars; treasurer of state, three thousand dollars; auditor of state, three thousand dollars; attorney-general, fifteen hundred dollars; members of the board of public works, eight hundred dollars, each; engineers appointed by the board of public works, each, twelve hundred dollars; state librarian, fifteen hundred dollars; assistant state librarian, one thousand dollars; law librarian, fifteen hundred dollars; assistant law librarian, one thousand dollars; superintendent of deaf and dumb asylum, twelve hundred dollars; steward of same, eight hundred dollars; matron of same, four hundred dollars; assistant matrons of same, each, three hundred dollars; physician of same, three hundred dollars; superintendent of blind asylum, twelve hundred dollars; steward of same, eight hundred dollars; matron of same, three hundred dollars; superintendent of imbecile asylum, twelve hundred

dollars; matron and teachers of same, each, not to exceed four hundred dollars; superintendent of Ohio soldiers' and sailors' orphans' home, one thousand dollars; matron of same, four hundred dollars; superintendents of asylums for the insane, each, twelve hundred dollars; assistant physicians of same, each, seven hundred dollars; stewards of same, each, eight hundred dollars; matrons of same, each, four hundred dollars; superintendent of the reform school for boys, twelve hundred dollars; matron of same. four hundred dollars; superintendent of girls' industrial home, twelve hundred dollars; matron of same, four hundred dollars; clerk of the supreme court, fifteen hundred dollars, and for services while acting as clerk of supreme court commission, five hundred dollars; deputy clerk for supreme court, twelve hundred dollars; deputy clerk for supreme court commission, one thousand dollars; commissioner of railroads and telegraphs, two thousand dollars; superintendent of insurance, two thousand dollars; inspector of mines, two thousand dollars; commissioner of statistics of labor, two thousand dollars; supervisor of public printing, thirteen hundred dollars; and state commissioner of common schools, two thousand dollars. [64 v. 9, sec. 1; 45 v. 37, sec. 2; 48 v. 93, sec. 1; 50 v. 337; 67 v. 16, sec. 21; 62 v. 175, sec. 1; 63 v. 30, sec. 1; 64 v. 24, sec. 3; 69 v. 188, sec. 1; 64 v. 56, sec. 10; 73 v. 107, sec. 1; 73 v. 12, §§ 3 and 4; 52 v. 34, sec. 24; 62 v. 118, sec. 1; 68 v. 55, sec. 3; 69 v. 32, sec. 2; 71 v. 21, sec. 4; 64 v. 124, sec. 10; 70 v. 195, sec. 111; 74 v. 227, sec. 17; 75 v. 507, sec. 2; 75 v. 150, sec. 4; 75 v. 591, sec. 18; 75 v. 517, sec. 3; 75 v. 144, sec. 20; 61 v. 11, sec. 4; 74. v. 209, sec. 4; 75 v. 584, sec. 2.]

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 17, 1879.

[House Bill No. 1021.]

AN ACT

To authorize certain incorporated villages to build railroads and to lease or operate the same.

To establish railway.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever in any incorporated village which by the federal census of 1870 had, and which by any subsequent federal census may have, a population of one thousand and fifty-six, the village council thereof shall, by a resolution passed by a majority of the members elected thereto, declare it to be essential to the interests of such village that a line of railway, to be named in said resolution, should be provided between termini designated therein, one of which

shall be such village, and the other not exceeding five miles therefrom, it shall be lawful for a board of trustees, appointed as herein provided, and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of thirty thousand dollars, and to issue bonds therefor in the name of such incorporated village, under the corporate seal thereof, bearing interest at a rate not to exceed six per centum per annum, payable semi-annually; said bonds to be payable at such times and places and in such sums as shall be deemed best by said board. Said bonds shall be signed by the president of said board, and attested by the clerk of such incorporated village, who shall keep a register of the same, and they shall be secured by a mortgage on the line of railway and by the pledge of the faith of such village, and a tax which it shall be the duty of the council thereof annually to levy (which tax shall not exceed seven mills on the dollar in any one year) to pay the interest and provide a sinking fund for the final redemption of said bonds: provided, that such village shall not in any one year levy taxes to a greater amount than twelve mills on the dollar, including the levy for said bonds: and, provided, that no money shall be borrowed on bonds issued until after the question of providing the line of railway specified in said resolution shall be submitted to a vote of the qualified electors of such incorporated village, at a special election to be ordered by the village council thereof, of which not less than twenty days' notice shall be given in the papers published in such village; and, further provided, that two-thirds of said electors voting at such election shall decide in favor of such line of railway. The returns of said election shall be made to the clerk of said incorporated village, and be by him laid before the village council, which shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

Borrowing money.

Bonds.

Interest.

When payable.

Tax levy.

Election returns.

SEC. 2. If two-thirds of the votes cast at said election shall be in favor of providing the line of railway as specified in the first section, it shall be the duty of the corporation solicitor forthwith to file a petition in the court of common pleas in the county in which such village is situated, praying that the judge thereof will appoint five trustees, who shall be electors and freeholders of said village, to be called the trustees of ——— railway (the blank to be filled with the name of the railway as given in the resolution), and it shall be the duty of said judge to make the appointment and enter the same on the minutes or journal of the court. They shall enter into bond to the village in such sum as the court may direct, with one or more sufficient sureties to be approved by the court, conditioned for the faithful discharge of their duties. The bond so taken shall be approved by the corporation solicitor, and deposited with the treasurer of the corporation for safe keeping.

Petition.

Appointing trustees.

Trustees to give bond.

Bond to be approved.

SEC. 3. The said trustees and their successors shall be the

Powers of trustees.

trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct and in constructing a railway, with all the proper appendages, and, if deemed necessary, a line of telegraph between the termini specified in said resolution, and, for the purpose aforesaid, shall have the power and capacity to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises. They shall also have power to receive donations of land, money, bonds, and other personal property, and to dispose of the same in aid of said fund.

Formation of a board.

SEC. 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such power as the board may, by resolution, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business at their office in the village under whose action they are appointed, but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a report of the same to the corporation clerk, whenever requested so to do by a resolution of the village council. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same, upon the recommendation of the council of said village by resolution duly adopted and allowed by the court appointing them.

Meetings.

Record.

Drawing money.

Additional powers of trustees.

SEC. 5. Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed, or employed by them as they shall deem advisable. They shall not become surety for any such officer, agent, or contractor, or be interested, directly or indirectly, in any contract concerning said railway. They shall be responsible only for their own acts.

Responsibility.

When trustee is unfaithful.

SEC. 6. Whenever the corporation solicitor of any village under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one of said trustees has failed in the faithful performance of his trust, it shall be his duty to apply to the court that appointed said trustees, by petition, praying that such trustee be removed, and another appointed in his place; and if the corporation solicitor shall fail to make application after request of any of the holders of the bonds issued by said trustees, or by a tax-payer of such village, such bond holder or tax-payer may file a petition in his own name, on behalf of the holders of such bonds, for like relief, in any court having jurisdiction; and if the court hearing the action shall adjudge in favor of the plaintiff such court shall remove such trustee and appoint another in his stead; and when a va-

Vacancy.

cancy shall occur in said board from any other cause it shall be filled upon like petition and in like manner.

Appropriating land.

SEC. 7. Whenever, in the construction of a line of railway, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or pier of any bridge across any stream, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury, and judgment of the court, shall be so varied as to suit the case.

When part of other road is between termini.

SEC. 8. Whenever there shall be, between the termini designated in any resolution passed under this act, a railroad already partially constructed, or rights of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad, or right of way, and pay for the same out of the trust fund.

Occupation of public property.

SEC. 9. Whenever, in the construction of a line of railway, as herein provided the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof belonging to such incorporated village, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury, and the judgment of the court, shall be so varied as to suit the case.

Leasing road.

SEC. 10 On the final completion of any line of railway constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the terms and conditions which shall be fixed and provided by the council of the incorporated village by which the line of railway is owned.

Advancing money to trustees.

SEC. 11. That the council of any incorporated village described in this act may, after trustees have been appointed as provided in this act, advance to said trustees, out of any funds of said village, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect, and said sum shall be repaid out of the trust fund provided for in this act when raised.

Making deeds and contracts, etc.

SEC. 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such incorporated village providing the line of railway, or in the name of the trustees of ——— railway (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted, either in the court of common pleas or probate court, as in other cases of appropriation for the use of municipal corporations.

SEC. 13. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 17, 1879.

[House Bill No. 984.]

AN ACT

To exempt from taxation the "Benevolent Fund," of Indiana, yearly meeting of friends.

Exempting Benevolent Fund from taxation.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any money or funds belonging to, or which may hereafter belong to Indiana yearly meeting of friends, which is set apart or invested, or which may hereafter be set apart or invested, said principle and the interest, or income derived therefrom, devoted to and used exclusively for the support of the poor of said yearly meeting; such money or fund, and the interest or income derived therefrom, shall not be deemed taxable under any law of this state; and the person or persons having the care and supervision of the same shall not be required to turn or list the same for taxation.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 20, 1879.

[Senate Bill No. 218.]

AN ACT

To make an appropriation towards teaching and support of children in schools for education of the deaf and dumb in Cincinnati.

Appropriation for deaf and dumb at Cincinnati.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in consequence of the crowded condition of the institution for the education of the deaf and dumb, preventing the reception of many needing the advantages thereof, and the establishment by the board of education of the city of Cincinnati of schools for their education there, is hereby appropriated fourteen hundred dollars, to be paid upon the order and expended under the direction of said board towards payment of teachers and support of children for one year in schools for the education of the deaf and dumb heretofore established by it.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
Passed June 17, 1879. *President of the Senate.*

[House Bill No. 1082.]

AN ACT

To aid in the construction of embankments for a bridge over Laramie Reservoir, in Shelby county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby appropriated out of any money in the treasury, applicable for that purpose, the sum of one thousand dollars, payable to the order of the commissioners of Shelby county, to assist in the construction of an embankment for a bridge across the Laramie reservoir, between sections Nos. 32 and 33, or between sections Nos. 31 and 32, McLean township.

Appropriation for embankment.

SEC. 2. This act shall take effect on its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 21, 1879.

[Senate Bill No. 372.]

AN ACT

Supplementary to "an act to provide for the protection of the canals of the state of Ohio, the regulation of the navigation thereof," passed March 28, 1840. (S. & C., 202.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where the water shall be partially drawn off from any part of either of the canals in consequence of a breach, or for the purpose of making repairs, or from any other cause, so as to prevent the passage of heavily laden boats thereon, every boat or other float, detained or prevented from proceeding on its voyage thereby, shall be so moored and placed as not to obstruct the passage of other boats or floats requiring less depth of water to enable them to navigate the canal; and if any boat or float, so detained or prevented from proceeding in consequence of the want of sufficient water, shall, either by design, or by accident or inadvertence, be so moored or placed as to prevent the passage of other boats, the master or other person having for the time being the care of the boat or float so moored or placed, on the application of the master of the boat or float whose

When water is drawn off canals.

passage is obstructed thereby, shall immediately cause the boat or float occasioning such obstruction to be removed, if practicable, so as to permit the free passage of other boats or floats.

Lights and name of boat.

SEC. 2. Every boat passing on either of the canals of this state, or on any feeder of either of them, is required at all times during the night to carry conspicuous lights on the bow of the boat. No boat or float shall be permitted to navigate any of the canals of this state without having the name of such boat or float painted on some conspicuous, permanent part of the said boat or float, in letters at least four inches in height. And no boat or float shall carry any canvas, cloth, or other covering so as to hide such name, unless said name shall be painted and fully displayed on said canvas, cloth, or other covering so carried.

Penalty.

SEC. 3. The master or owner of any boat or float, who shall violate any of the provisions of the two preceding sections, shall forfeit and pay, for every such violation, the sum of ten dollars.

Name of boat.

SEC. 4. No boat or float shall be permitted to navigate either of the canals of the state having the name of any other boat on the same canal, and the master of any boat or float who shall violate this provision shall forfeit and pay the sum of ten dollars for each and every offense; and every mile navigated in contravention thereof shall be considered a distinct offense.

Boats faced with iron.

SEC. 5. No boat or other float, strapped or faced with iron on the front part of the stem, or other most prominent part of the bow thereof, so as to be liable to strike with such iron facing against any part of any lock, lock gate, guard gate, bridge, or other work or device appertaining to the canal, shall be permitted to navigate or be moved on either of the canals of this state, unless there shall be suspended and thoroughly secured in front of the stem, or other most prominent part of the bow of such boat or float, in such a manner as effectually to prevent the iron facing or strap thereof from striking upon or against any lock, lock gate, guard gate, bridge, or other work or device appertaining to the canal, a good and sufficient fender, composed of rope or rope yarn, at least six inches in diameter. And no clearances shall be granted to any boat or float which shall not at the time of applying for such clearance, be provided with such fenders; and it shall be the duty of every collector of tolls, inspector, resident engineer, lock tender, or superintendent of repairs, to see that the said order be strictly enforced.

Bow line.

SEC. 6. No boat or float shall be permitted to navigate the canals of this state without a good and sufficient bow line, and each collecter of tolls, superintending engineer, superintendent of repairs, or lock tender on the canal where such boat or float shall pass, is hereby authorized to determine the sufficiency of the bow line.

Penalty.

SEC. 7. The master of any boat or float, which shall be found navigating or moving on either of the canals of this state, in contravention of the two preceding sections, shall forfeit and pay the sum of five dollars for each offense; and each mile that a boat or float shall be moved in contravention of the provisions thereof shall be considered a new offense.

Horses of boats.

SEC. 8. The horse or horses of any boat navigating the canals of this state shall not pass over a towing path bridge faster than a walk, nor pass into or out of any boat or float over or upon the walls or sides of any lock, on either of the canals of this state; and the master of any boat or float, who shall violate this regulation, or permit it to be done by others, shall forfeit and pay the sum of five dollars.

Refuse matter and fire.

SEC. 9 No hay, straw, manure, or other litter of any kind shall be deposited in any part of either of the canals of this state, nor on either of the banks thereof. No person shall carry fire, in any form, on or across any wooden structure on any of the public works of this state, unless the same shall be enclosed in a lantern or some other closed vessel.

Penalty.

SEC. 10. Any person violating the provisions of the preceding section shall forfeit and pay the sum of ten dollars for each offense, and all damages incident thereto.

Embankment.

SEC. 11. Where the canal is composed, either wholly or in part, of embankment, no fence, pen, wall, house, or other thing shall in any way occupy or be placed on any part of the embankment, levee, or landing attached to the canal, side-cut, or basin. Where the canal is composed, either wholly or in part, of excavation, no fence shall be placed within fifteen feet of the front edge of the towing path, nor within ten feet of the front edge of the berme bank: provided, that when the canal may be of extra width, the acting commissioner may, at his discretion, permit such deviation from the foregoing regulations as he may deem proper, so far as the construction of fences on the berme side of the canal is concerned; and any person who shall violate either of the provisions of the foregoing section shall forfeit and pay the sum of ten dollars for each violation, and, moreover, be liable for all expenses incurred by the agents of the state in removing any fence, pen, wall, house, or other things placed or constructed in contravention of the foregoing section.

Excavation.

Proviso.

Interfering with drawbridges.

SEC. 12. If any person, except a commissioner, engineer, superintendent, lock tender, bridge tender, or collector, shall, under any pretense whatever, without express direction or permission from some one of said agents, open or in any way interfere with either of the draw-bridges on the Muskingum improvement, he shall pay a fine of five dollars for each offense, and, moreover, be liable for all damages incident upon such interference.

SEC. 13. Any person or persons, or body corporate, who

Inserting pipes, etc.

shall insert or apply, or attempt to insert or apply, any pipe, trunk, or other device whatever, for the purpose of taking water from either of said canals or waters aforesaid, without first obtaining permission therefor from the board of public works; or who shall fail or refuse to conform to the directions of the engineer in charge, in respect to the size, location, and manner of constructing or inserting said pipe, trunk, or device, shall be deemed guilty of a misdemeanor, and shall be liable as hereinafter provided. Any lessee of water power, created by the public works, and used for manufacturing purposes, or any assignee under said lessee, who shall use, or allow by leakage or otherwise, to pass through their mills or other hydraulic works, a greater quantity of water than the amount specified in their lease or leases, said quantity to be determined by the chief engineer, or who shall neglect or refuse to put in proper gauges to measure said water, after the quantity has been determined, or who shall in any manner interfere with or change said gauges after the same has been put in, and approved by the board of public works or chief engineer, shall be deemed guilty of a misdemeanor, and be liable as hereinafter provided.

Penalties.

SEC. 14. Any person or persons, or body corporate, violating any of the provisions of the foregoing section shall be deemed guilty of a misdemeanor, and, upon conviction before any court of competent jurisdiction, shall be fined in any sum not less than fifty dollars nor more than five hundred dollars, or imprisoned in the jail of the proper county not less than five days nor more than thirty days, or both, at the discretion of the court.

Additional penalties.

SEC. 15. In addition to the penalties already prescribed for violations of the provisions of this act, and the act to which this is supplementary, the court before whom any case for such violation is tried shall have power to sentence the party or parties convicted to be confined in the jail of the proper county until the fines and costs are paid and secured.

Issuing clearance.

SEC. 16. Whenever, in the opinion of any collector of tolls, any boat for which a clearance is demanded at his office is, either from age, the rottenness of its timbers, its leaky condition or other cause, unsafe, and liable to obstruct or suspend navigation by sinking or otherwise, said collector may refuse to issue said clearance unless the owner, or manager in charge of said boat, shall first give bond, with sufficient security, that said owner or manager will pay all expenses and damages caused by such obstruction or suspension of navigation. In case the owner or manager of any such boat shall be dissatisfied with the decision of the collector in such case, said owner or manager may apply to the acting commissioner in charge of that portion of the public works, who shall immediately, upon said application being made, appoint three judicious, disinterested freeholders of the county where such case may be located, as a board of

survey, who shall, after being first duly sworn, examine personally said boat, and certify to the collector whether, in their opinion, said boat is safe and seaworthy or not, and thereafter said collector shall be governed by the opinion of said board so expressed.

SEC. 17. All acts and parts of acts conflicting or inconsistent with the provisions of this act are hereby repealed. Repeal.

SEC. 18. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 17, 1879.

[House Bill No. 1084.]

AN ACT

Appropriating money to pay a guard at the state arsenal.

WHEREAS, Senate Joint Resolution No. 83 authorized the employment of a guard for two months, at an expense of one hundred dollars, at the arsenal; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated from the revenue fund in the treasury, not otherwise appropriated, the sum of one hundred dollars, to pay said guard. Appropriation for guard.

SEC. 2. This act to take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 23, 1879.

[House Bill No. 625.]

AN ACT

Supplementary to an act entitled "an act defining the powers and duties of the board of public works," passed May 14th, 1878.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for any person or persons, or body corporate, to draw water off any of the canals of this state for the purpose of flooding ice ponds, or for any other purpose whatsoever other than navigation and hydraulic purposes, unless they shall have first complied with the requirements of this act. Drawing water off canals.

Granting permission.

SEC. 2. Permission may be granted to any person or persons, or body corporate, by the board of public works, to enter upon and take ice from any reservoir of this state, and to draw water off the canals of the state for the purpose of flooding ice ponds, or other purposes, upon the following conditions:

Conditions.

1st. When the water so to be drawn off is not needed, and is over and above what is necessary for navigation and hydraulic purposes already leased.

2d. Such water to be drawn off under and by the direction of the chief engineer of the public works, and at such times and in such quantities as he may from time to time determine.

3d. Such parties so granted permission shall pay the state of Ohio for the water so used by them the sum of twenty-five dollars per year for every acre of land so covered.

4th. Such persons shall not, in any manner, during any portion of the year, cultivate any of the land to be so flooded.

5th. A bond in the penal sum of twenty five hundred dollars must be executed to the state of Ohio, with good and sufficient security, conditioned for the faithful performance of the obligations herein imposed, and said bond is to be approved by the said board of public works and to be filed with the treasurer of state by said board.

6th. That all ice cut upon said ponds shall be shipped to market by canal, if the same is in navigable condition, except where the shipments is to points not located on the canal, and upon a failure to do so the party owning the same shall be liable for the amount of toll that would have been due if the same had been shipped by canal.

When considered a misdemeanor.

Any person or persons, or body corporate, who shall enter upon any portion of the canals of this state, or in any basin, wide-water, reservoir, or pond belonging to or used in connection with the canals of this state, without permission from the board of public works, for the purpose of cutting or carrying away any ice from said canals or waters aforesaid, for the purpose of profit, shall be deemed guilty of a misdemeanor, and be liable as hereinbefore provided. In case of lessees of water to be used for manufacturing purposes, it shall be unlawful for any such lessee, or assignee under said lessee, to use, or allow to pass through their mills or other hydraulic works, a greater quantity of water than the amount specified in their lease, said quantity to be determnied by the chief engineer of the public works.

Penalty.

SEC. 3. Any person or persons, or body corporate, violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction before any court of competent jurisdiction, may be fined in any sum not exceeding one thousand dollars, and not less than fifty dollars, for each offense; and it is hereby made the duty of the common pleas judge in the counties of the state in which the canals

are situated, to give this act specially in charge of the grand jury of said county.

Duties of board and attorney-general.

SEC. 4. It is hereby made the duty of the board of public works, when any of the provisions of this act have been violated, to forthwith notify the attorney-general, and said attorney-general shall immediately commence suit upon the bond so given, in the name of the state of Ohio.

Apply to all parties.

SEC. 5. This act shall apply as well to the parties who have heretofore used and are now using the waters of the canals of this state as to those who may hereafter so desire to do.

Duties and powers of the board.

The board of public works are hereby required, upon the passage of this act, to shut off and forbid the drawing of water or use of water, contrary to the requirements of this act, until the conditions herein provided shall have been fully complied with; and the chief engineer of the public works shall, by actual survey, determine the number of acres included in any pond so to be flooded, which shall be conclusive, and a record of which shall be kept in the office of the board of public works; and the cost of making such survey shall be paid by the parties so applying, and in determining the amount of such cost the certificate of said chief engineer shall be conclusive; and the board of public works are hereby authorized to increase or diminish the rates of toll as fixed by the law of 1858, when the boat travels or freight is carried less than fifty miles on any of the canals of this state.

If public works are leased.

SEC. 6. Should the public works of the state be leased, then the drawing of the water for the purposes herein mentioned shall be under the exclusive direction and control of said lessees, and the amount of rent so due shall be paid said lessees.

SEC. 7. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 21, 1879.

[Senate Bill No. 243.]

AN ACT

To define and suppress tramps.

Who shall be deemed a tramp.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any person, not being in the county in which he usually lives or has his home, who is found going about begging, and asking subsistence by charity, shall be taken and deemed to be a tramp.

Penalties of tramps.

SEC. 2. That any tramp who shall enter any dwelling-house, or shall enter the yard or enclosure about any dwelling-house, against the will or without the permission of the owner or occupant thereof, or shall not, when requested, immediately leave such place, or shall be found carrying any fire-arms or other dangerous weapons, or shall do or threaten to do any injury to any person, or shall do or threaten to do any injury to the real or personal estate or property of another, shall, upon conviction thereof, be imprisoned in the penitentiary not less than one year nor more than three years.

Apprehending offender.

SEC. 3. That any person, upon view of the offense described in this act, may apprehend the offender, and take him before a justice of the peace for examination.

SEC. 4. This act shall not apply to any female or blind person.

SEC. 5. This act shall take effect and be in force from and after the first day of July, 1879.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 12, 1879.

[House Bill No. 1083.]

AN ACT

To provide for printing and distributing the laws of the present session, and the revised statutes in permanent form, and to repeal an act therein named.

Publication of laws.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be printed not more than fifteen thousand copies of all the laws and joint resolutions of the present session of the general assembly, except the revision of the general statutes.

SEC. 2. No part of said edition shall be distributed until the whole is bound, when the same shall be distributed according to law, except six copies in forms of sixteen pages, which shall be sent to each member of the present general assembly as soon as printed.

Revised statutes.

SEC. 3. There shall be published in two volumes, in permanent form, twelve thousand copies of the revised and consolidated statutes, enacted at the present session of the general assembly; the printing and other work shall be let out by special contract as hereinafter provided, and M. A. Daugherty, John S. Brasee, and George B. Okey shall prepare, edit, and superintend such publication, including proof-reading. The following mentioned matter shall be prepared by them, and shall be published in either of the volumes as they may find most practicable, viz: the articles

of confederation; the constitution of the United States; the ordinance of seventeen eighty-seven; the constitutions of the state of Ohio, of 1802 and 1851, properly annotated with the decisions of the supreme court; the laws of congress in force on the subject of naturalization, extradition of fugitives, authentication of records, and removal of causes of state to federal courts; the revised statutes, with annotations of the decisions of the supreme court; an appendix containing all other laws in force of a general nature properly arranged; and a complete, accurate, and analytic index to the revised statutes, and to the appendix, but the annotations to the revised statutes, and notes accompanying the same, if any, shall be placed in said volumes as foot notes on the pages in connection with the sections to which they relate, and as near to the same as practicable, which volumes shall be completed and ready for distribution not later than December 1, 1879.

Size of page and quality of type, etc.

SEC. 4. The page of printed matter of said publication shall be eight and one-fourth inches in length, and four and seven-eighths inches in width, of which not more than three-fourths of an inch in width shall be occupied by side notes; new long primer type shall be used for the text, and new nonpariel for the side notes, repeals, and annotations, set up solid and electrotyped; the contractor shall prepare one set of electrotype plates of the whole printed matter, which shall belong to the state, and the same shall be delivered by the contractor to the secretary of state, who shall carefully preserve the same.

Commissioners to let contract.

SEC. 5. The attorney-general, together with the secretary of state and supervisor of public printing shall, immediately after the passage of this act, insert for at least five days in two newspapers in each of the cities of Columbus, Cleveland, and Cincinnati, a notice that sealed proposals will be received at the office of the attorney-general for the paper, composition, electrotyping, and press-work of said publication. Said notice shall specifiy the number required, the quality and style of the printing, electrotyping, and press-work, which shall all be of the best quality, and samples, including ink, shall accompany each bid; the proposals shall distinctly and specifically state the price per thousand ems for composition, the price for electrotyping, the price per token for press-work, and also for furnishing the necessary quantity of strictly number one book paper, supersized and calendered, upon which said work shall be printed, and shall state the time when said work shall be completed; each proposal shall be accompanied by a bond executed in due form by the bidder, with at least two good and sufficient sureties, satisfactory to the attorney-general, in the sum of twenty thousand dollars, conditioned for the faithful performance of the contract, if the same be awarded to him, and for the payment as liquidated damages by such bidder to the state of two hundred dollars for each day for such work is unreasonably delayed by

Specifications of work.

such contractor, and any excess of cost over the bid of such bidder which the state may be obliged to pay for such work by reason of the failure of such bidder to complete his contract, the bond to be null and void if no contract be awarded to him; and a bid unaccompanied by such bond shall not be entertained: provided, that the whole cost under such bids shall not exceed four dollars per copy for both volumes, the computation to be made by the secretary of state, attorney-general, and the supervisor of public printing; and provided further, that after such bids shall have been accepted, a contract shall be entered into with such parties to whom the same may be awarded by the attorney-general, acting for the state, providing that one-fourth part of each payment, to be made as therein directed, shall be retained until the conditions of said contract shall have been fulfilled.

Relating to bidders.

Awarding contract.

SEC. 6. The attorney-general, together with the secretary of state and supervisor of public printing, at the expiration of such notice, shall publicly open all the proposals received by them, and shall award such contract to the lowest and best bidder, but they may reject any or all bids.

Penalty.

SEC. 7. If from any cause there is a failure or unreasonable delay at any stage of the work on the part of the contractor to carry out his contract, the attorney-general, secretary of state, and supervisor of public printing shall immediately advertise for bids and let the contract to complete said work in the same manner as originally let; and the attorney-general shall thereupon sue upon the bond for the breach of the same.

SEC. 8. The contractor shall, as said work goes through the press, deliver the forms to the supervisor of state printing, and said supervisor shall cause said work to be bound at the state bindery, in full law binding, and deliver the same to the secretary of state, and the binding of either of said volumes shall take precedence of all other work.

Distribution of copies.

SEC. 9. The said revised statutes, when published, shall be distributed as follows: to the governor and the departments of the general government, and the governors of other states, one hundred copies; to the auditor of state, three copies; and to each of the executive officers of the state, one copy; to each member and officer of the present general assembly, each judge of a court of record, each justice of the peace, each township clerk, each mayor of municipal corporation, each county officer, except commissioner and infirmary director, each judge, every clerk of courts for each court for which he is clerk, and each judge, clerk, district attorney, and marshal of the United States courts within this state, one copy; and all officers, except judges, and members of the general assembly, receiving copies as aforesaid, shall deliver over the same to their successors in office.

SEC. 10. The secretary of state shall reserve for the state libraries and subsequent general assemblies, six hundred and

fifty copies, and shall box up and send to the auditor of each county the number to which each county is entitled under the provisions of the preceding section, and a ratable proportion of the surplus copies for sale. The secretary shall forward to each auditor, at the same time, a statement setting forth the officers entitled to a copy thereof, with the price at which the surplus copies may be sold, which shall be the cost price thereof, with twenty-five per cent. added.

SEC. 11. The auditor of each county shall, within twelve months after the receipt thereof, transmit to the secretary of state a complete and accurate statement, showing what disposition was made of the copies sent to him, remitting at the same time, to the secretary of state, the proceeds of any sale that may have been made by him, and also, at the same time, return the copies remaining undisposed of; and the secretary of state shall pay into the treasury all moneys coming into his hands from said source. The auditor of any county who fails, neglects, or refuses to perform any of the duties herein prescribed, shall be fined, upon conviction before any court of competent jurisdiction, in any sum not exceeding five hundred dollars.

SEC. 12. There is hereby appropriated to pay salaries of commissioners, under the act authorizing their appointment until June 20, A.D. 1879, seventeen hundred and fifty dollars, and for their clerks nine hundred dollars in full for services rendered, and for the payment of paper, composition, electrotyping, press work, and material for binding, under the provisions of this act, forty thousand dollars.

Repeal.

SEC. 13. The act entitled "an [act] to provide for the revision and consolidation of the statute laws of Ohio," passed March 27, 1875, is hereby repealed, the repeal to take effect from and after the passage of this act; and the sum of fifteen thousand dollars are hereby appropriated to be paid to the said M. A. Daugherty, John S. Brasee, and George B. Okey, of any money in the state treasury not otherwise appropriated, to be in full for the performance of the services imposed upon them and assistants, required in the completion of said work within the time specified, but in no case shall the state be liable for any further sum for editing and superintending the publishing of said work; but if the above mentioned parties neglect or refuse to perform the duties required of them by this act, the attorney-general is hereby authorized to employ competent persons to complete the same within the time named, and such persons so employed shall be paid by the auditor as the services are rendered, on the certificate of the attorney-general, in monthly installments: provided, the cost shall not exceed the amount herein appropriated for that purpose. Said parties shall have the use and occupancy of the rooms now occupied by the commission to revise and consolidate the general statutes, until the completion of said work, shall have access to the enrolled acts in the office of the secretary of state, and be furnished, by the

Compensation of designated persons to superintend the publication of statutes.

secretary of state, with necessary stationery; and they may employ, in the prosecution of said work, such experienced and competent assistants as they may deem necessary, to be paid out of the sum hereby appropriated. The money hereby appropriated shall be paid upon the order of said parties upon the auditor, who shall draw his warrant upon the treasurer therefor, in ratable monthly installments, but fifty per cent. of each, and the whole of the last payment shall not be paid until their work is completed; and before entering upon the execution of the provisions of this act they shall give a bond in the penal sum of ten thousand dollars, to be approved by the secretary of state, for the faithful performance of their duties within the time herein prescribed, and shall supply the copy required to complete said work within the time to be named in the contract aforesaid.

Shall furnish bond.

SEC. 14. The secretary of state shall procure for the use of the state, a copyright of said publication of the statutes in permanent form, and there shall be printed at the close of volume two, the certificate of the secretary of state that the statutes printed in said volumes are truly copied from the original rolls in his office.

Copyright of statutes.

SEC. 15. This act shall take effect on its passage, and acts inconsistent herewith are hereby repealed in so far as such repeal may be necessary to carry out the provisions of this act.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 23, 1879.

LOCAL AND SPECIAL ACTS.

[Senate Bill No. 51.]

AN ACT

To authorize the council of the city of Canton, Ohio, to appoint a board of trustees to take charge of property bequeathed to the poor of said city, and hold the same in trust for them.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the city of Canton, Ohio, be authorized to appoint, at their first regular meeting in February, 1879, a board of trustees consisting of three electors, residents of the city of Canton, Ohio; one to serve for the term of two years, one to serve for the term of four years, and one to serve for the term of six years, and every two years thereafter said council shall at their first regular meeting in February appoint one member for the term of six years. The council of said city shall have power and be required to fill any vacancy in said board that may occur by death or otherwise at any regular meeting.

SEC. 2. Said board of trustees shall be required to give to said council their bonds conditioned for the faithful discharge of the duties herein required, and for the security of such funds as will be entrusted to their care. The said bonds shall be in sufficient amount to cover the trust, and be acceptable to the council of Canton, Ohio. The council of said city shall pay to the members of said board all their legitimate expenses incurred by them while carrying out the provisions of this act, but in nowise shall they be allowed any compensation for their services.

SEC. 3. Said board of trustees are hereby authorized and required to take charge of all the property that has been bequeathed to the poor people of the city of Canton, Ohio, by the last will and testament of Thomas Hartford, deceased, of the city of Pittsburgh, Pennsylvania, and to convert said property into an irreducible interest bearing fund, consisting of first mortgage notes on real estate and bonds, and to hold the same in trust forever. The interest arising from such notes and bonds shall be handed over to the president of said council at least once in every six months, to be by said council disbursed to the poor people of said city. The secretary of the board shall take a receipt signed by the president of said council, and file the same in proper order. The council shall deposit all moneys arising from the interest on said fund with the city treasurer, to be paid out for the benefit of the poor only, and by order of the council, signed by the president of the council and clerk.

SEC. 4. Said board of trustees shall have power to sell and convey title to all the real estate which by the last will and testament of Thomas Hartford, deceased, become the property of the poor people of said city; and may sell the same at private sale in such parts, and on such terms, as in their judgment is for the best interest of the fund, but in nowise shall they sell and make deed without getting at least one-fourth of the purchase money in cash, or in good securities, and the balance due on any sale shall be secured by first mortgage notes on the same property, bearing interest at not less than six per cent. per annum, payable annually. The principal of said notes may be made payable at any time,

from one to ten years; but the interest thereon shall be paid to said trustees annually, as herein required. Said board may petition the court of common pleas to have such property appraised and sold by order of the court, if they shall deem that mode the best for the interest of all concerned, and the title made by order of the court, shall be good and valid for all time to come. The court may direct that said property be divided, a plat made, and the property appraised and advertised for sale according to the direction of the court, and all the proceeds arising therefrom shall be turned over to said board for the creation of said fund It is understood that the principal of all the proceeds be applied to the irreducible fund, and the interest arising thereon be given to the council, as herein provided.

SEC. 5. The said board of trustees shall organize by electing one of their number president of the board, and another, secretary. They shall keep a written journal or record of all their proceedings. The secretary shall do the writing of the board, keep the records, file all papers properly, and take good care that all papers pertaining to their trust be well preserved. The board shall meet on call of the president, or in his absence, on call of the secretary, and no meeting shall be valid unless all the members have been notified. The board shall meet at least once in every three months, and two members may constitute a quorum and transact business, but no question shall be decided unless it receives two votes in its favor.

SEC. 6. Said board shall annually make a full and concise report to the said council, including a financial statement of all matters of interterest to the public in relation to this fund, which report shall be open to inspection in the office of the clerk of the council, and such clerk shall furnish a copy of said report to the newspapers of the city of Canton, and request them to publish the same, provided they do so free of charge.

SEC. 7. Each appointee shall, before entering upon his duty as a member of said board, make oath or affirmation, which shall be administered by the mayor of said city, "that he will discharge his duty faithfully, and use his best judgment and efforts in the interest of the fund, and endeavor to make out of it as much as possible for the benefit of the poor of said city."

SEC. 6. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed January 13, 1879.

[House Bill No. 155.]

AN ACT

To authorize the council of the village of Middletown, Butler county, Ohio, to make a contract with the Middletown gas company, for lighting streets, alleys and public buildings, for a period not to exceed ten years, and to levy taxes to pay the cost as it becomes due by the terms of said contract.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of said village of Middletown, Ohio, be and are hereby authorized and empowered to enter into a contract with the Middletown gas company for a supply of gas, for a period not to exceed ten years, and

the certificate of the village clerk on the back of said contract, as required by section 663 of the municipal code, as amended April 8, 1876, shall not be necessary to make said contract legal, valid and binding: provided, that before the council shall have power to enter into such contract the question of entering into such contract shall be submitted, at some regular election, to the qualified electors of such village, and that a majority of the votes cast at such election shall be in favor of so contracting.

SEC. 2. For the purpose of paying the contract price, to become due by the terms of said contract, said council of said village are hereby authorized to levy a tax upon all the taxable property of said village, but no levy shall be made in addition to the amount already allowed by law, every year during the continuance of said contract, sufficient in amount each year to pay the contract price that will become due during such year, and the money raised shall not be used for any other purpose.

SEC 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed January 28, 1879.

[House Bill No. 559.]

AN ACT

To authorize the commissioners of Lucas county to replank a certain road therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Lucas county are hereby authorized to replank that part of Dorr street lying between the corporate limits of the city of Toledo and the eastern terminus of Dorr street improvement extension, so called.

SEC. 2. That the aforesaid commissioners may let the work of replanking as aforesaid at private contract, or otherwise, as may best subserve the interests of the county, and may pay for the said improvement out of any funds not otherwise appropriated.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed January 28, 1879.

[House Bill No. 520.]

AN ACT

For the relief of Henry B. Bennett.

WHEREAS, Under the provisions of the act of April 29, A.D. 1872, and the amendments thereto, and prior to the 19th day of April, A.D. 1877, the board of public works reported to the auditor of the state of Ohio the following described land, viz.: The south-west corner of section No.

13, town 6, south range 3, E., containing five acres of land, as lying contiguous to and above high-water mark of the Mercer county reservoir; and whereas, the said auditor, under the provisions of said act, on the 19th day [of] April, A.D. 1877, sold said described tract of land to Henry B. Bennett, of Mercer county, Ohio, for the sum of forty-five dollars, and received from said Henry B. Bennett, on said 19th day of April, 1877, one-fourth of said purchase money, viz., eleven and 25-100 dollars; and whereas, in fact said tract of land lies wholly below high-water mark of said reservoir, and the same is entirely submerged; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby appropriated, out of any money not otherwise appropriated out of the sinking fund, the sum of eleven 25-100 dollars, with interest thereon from the 19th day of April, 1877, amounting to sixty-seven cents, which is hereby directed to be refunded to the said Henry B. Bennett, and said contract of sale and purchase is hereby declared null and void.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
Passed January 28, 1879. *President of the Senate.*

[Senate Bill No. 162.]

AN ACT

Supplementary to an act entitled "an act to authorize the commissioners of Hamilton county to levy a tax for further improving the course of Mill Creek," [passed] May 1, 1873. (70 O. L., 377.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county be and they are hereby authorized and directed to repay to the city of Cincinnati the sum of thirty thousand dollars, with interest, advanced by said city to the said commissioners, on the 8th day of February, 1871, for the purpose of straightening Mill creek; and that, if necessary for the purpose of such repayment, the said commissioners are hereby authorized and directed to levy a tax, of not more than fifteen-hundredths of one mill on the dollar, on the taxable property of said county, at the next annual levy after the passage of this act; but nothing herein contained shall be construed to authorize an increase of the total levy of taxes for county purposes.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
Passed January 28, 1879. *President of the Senate.*

[House Bill No. 607.]

AN ACT

For the relief of Matilda Kœnig.

WHEREAS, On the 15th day of January, 1878, the auditor of the state of Ohio sold to Matilda Kœnig the following land in Auglaize county,

viz.: Tract No. 2, described as the north part of the south part of the west half of the southeast quarter of section five, town six, south of range four, east, containing fifteen acres, appraised at $300.00, one-fourth of which was paid out.

WHEREAS, Said tract of land was erroneously reported to the auditor of state, for sale by the board of public works under the act of April 29, 1872, and as amended March 1, 1877; and,

WHEREAS, It appears of "record" that the auditor of state had no right to sell said land.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated out of any moneys, not otherwise appropriated out of the sinking fund, the sum of seventy-five dollars, with interest from the 15th day of January, 1878, amounting to four dollars and sixty-five cents, which is hereby directed to be refunded to said Matilda Kœnig.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH.
President of the Senate.

Passed January 29, 1879.

[House Bill No. 606.]

AN ACT

For the relief of Elizabeth Diekel.

WHEREAS, On the 31st day of December, 1877, the auditor of the state of Ohio sold to Elizabeth Diekel the following land in Auglaize county, Ohio, viz.: Tract No. 1, described as the north part of the south part of the east half of the southeast quarter of section five, town six, south of range four, east, containing twenty-one acres, appraised at $630.00, one-fourth of which was paid; and,

WHEREAS, Said tract of land was erroneously reported to the auditor of state, for sale by the board of public works under the act of April 29, 1872, and as amended March 1, 1877; and,

WHEREAS, It appears of "record" that the auditor of state had no right to sell said land.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated out of any moneys, not otherwise appropriated out of the sinking fund, the sum of one hundred and fifty-seven dollars and fifty cents, with interest from the 31st day of December, 1877, amounting to nine dollars and forty-seven cents, which is hereby directed to be refunded to said Elizabeth Diekel.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed January 29, 1879.

[House Bill No. 568.]

AN ACT

To authorize the trustees of Wayne township, Warren county, Ohio, to lease a portion of the township house, in Waynesville.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Wayne township, Warren county, Ohio, be and they are hereby authorized and empowered to lease a portion of the township house, situated in Waynesville, to the masonic order or other parties, as the trustees may think proper for the interest of said township.

SEC. 2. The said trustees shall have power to lease any portion of said house not needed for the use of said township, for any term of years, at a rate not exceeding eight per cent. per annum on the original cost of said portion pro ratio according to the portion so desired to be leased

SEC. 3. The said trustees shall have power to bind themselves and their successors in office to carry out such contract on lease in good faith.

SEC. 3. This act shall take effect from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed January 30, 1879.

[Senate Bill No. 247.]

AN ACT

To provide jurors for Jefferson county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the clerk of the court of common pleas of the county of Jefferson shall forthwith, after the passage of this act, apportion the number of one hundred and fifty jurors among the several wards and townships in said county, according to the number of male inhabitants therein of twenty-one years of age, and make a statement of the number so apportioned, and deliver the same to the sheriff of said county; such sheriff shall, without delay, serve a copy of such statement upon the trustees of each township, and the councilmen of each ward of a municipal corporation in said county, and such trustees and councilmen shall forthwith select, of good, judicious persons, having the qualifications of an elector, and not exempt by law from serving as jurors, the number of persons designated in the statement for such township or ward, and shall make a list thereof, and forthwith return the same to said clerk; the clerk shall, upon the receipt of such lists, write the names of the persons so selected upon separate pieces of paper, and put them into the jury box, having first emptied the box of all names then therein; and the jurors so elected shall be deemed and held to have been lawfully selected, and their names may be drawn from the box, in the manner provided by law, for the trial of any criminal or civil case, and it shall not be a cause or ground of challenge to any juror, or to the array so drawn and impaneled, that he or they had not been otherwise selected.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed February 6, 1879.

[House Bill No. 591.]

AN ACT

To authorize the village council of the incorporated village of Elyria, Lorain county, Ohio, and the township trustees of Elyria township, Lorain county, Ohio, to make a loan to complete repairs to the town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the incorporated village of Elyria, Lorain county, Ohio, in connection with the trustees of Elyria township, Lorain county, Ohio, are hereby authorized, in anticipation of the levies for the years 1878 and 1879, for the purpose of completing the repairs to the town hall in Elyria, Ohio, to issue bonds not exceeding in amount the sum of two thousand five hundred dollars for the purpose of raising money by the sale to pay for improvements and repairs to the town hall in said village, said bonds to be signed by the mayor and clerk of said village, and the trustees and clerk of said township, and to be registered by the clerk of said village and the clerk of said township, and to be issued in sums of not less than fifty nor more than two hundred dollars each, and bearing interest at a rate not exceeding eight per cent. interest per annum, the principal and interest to be paid at such time within three years from the passage of this act, and such amounts each year as the village council and township trustees may direct: provided, said bonds shall not be sold for less than their par value.

SEC. 2. That for the purpose of paying said bonds and interest thereon as the same shall become due, the said village council and the said township trustees shall apply the moneys arising from the levies for town hall repair fund for the years 1878 and 1879, as are now levied or authorized to be levied by law in said village and township.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed February 5, 1879.

[House Bill No. 697.]

AN ACT

To authorize the commissioners of Clermont county, Ohio, to borrow an amount of money upon bonds of said county of Clermont, not exceeding the sum of fifteen thousand dollars.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Clermont county, Ohio, be and are hereby authorized and empowered to issue the bonds of said Clermont county not to exceed the sum of fifteen thousand dollars ($15,000,) bearing a rate of interest not to exceed seven (7) per cent. per annum the interest payable semi-annually, and to dispose of the same from time to time at not less than their par value, and the same shall be payable in from one (1) to three (3) years from the date thereof, but the same shall be redeemable in whole or in part at the pleasure and option of the commissioners of said county, at any time after one year from their respective dates, upon giving two months notice of their intention to redeem the same in two newspapers published in said county of Clermont; said bonds may be issued in sums of one, two, three, four, and five

hundred dollars, and at such times and in such amounts as may be necessary to meet and discharge the liabilities and expenses of said county of Clermont, and the same shall be signed by said commissioners and countersigned by the auditor of said county.

SEC. 2. That for the redemption of said bonds, the county commissioners of said county are hereby authorized to levy taxes on all the taxable property in Clermont county, Ohio, for such years and in such amounts as they shall deem necessary to meet and pay the interest and principal of such bonds as may become due and payable or become redeemable as aforesaid.

SEC. 3. That upon the sale of said bonds, the county commissioners of said county, and the auditor of said county, are hereby authorized to apportion the proceeds thereof, to the several funds as may be required by the necessities of said county.

SEC. 4. This act shall take effect from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed February 5, 1879.

[House Bill No. 617.]

AN ACT

To authorize the council of the village of East Liverpool, Columbiana county, to issue bonds for the construction of water-works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of East Liverpool is hereby authorized to issue the bonds of said village, in a sum not exceeding thirty thousand dollars, and in denominations not less than one hundred dollars nor greater than one thousand dollars each, and bearing a rate of interest not exceeding seven per centum per annum, payable semi-annually, and redeemable within twenty years, at not less than two thousand dollars per year, after five years from the date of issue.

SEC. 2. That said bonds shall be signed by the mayor, and countersigned by the clerk of said village, and shall be sold at not less than par, and the proceeds thereof shall be applied to the construction of water-works within said village.

SEC. 3. That, for the purpose of paying said bonds, and the interest thereon, as the same becomes due, the council is hereby authorized and empowered to levy and assess a tax upon all the taxable property of said village, in addition to the amount already allowed by law, every year during the period said bonds have to run, sufficient in amount each year to pay the interest on, and to redeem that portion of the bonds issued in pursuance of this act, that will fall due during such year, and the money so raised shall not be used for any purpose other than the paying of said bonds and the interest thereon.

SEC. 4. That this act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed February 5, 1879.

[Senate Bill No. 220.]

AN ACT

To authorize the board of county commissioners of Hancock county to build a jail, supplementary to an act entitled "an act to authorize the board of county commissioners of Hancock county to levy a tax for the purpose of building a county jail," passed April 24, 1878. [Ohio Laws, vol. 75, page 1128.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of Hancock county be and they are hereby authorized to construct and erect a jail at such place at the county seat of said county as, in their judgment, may be deemed best for the public good, at a cost not to exceed twenty-five thousand dollars.

SEC. 2. This act shall take effect and be in force on and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed February 6, 1879.

[House Bill No. 758.]

AN ACT

To enable the commissioners of Henry county, Ohio, to borrow money to rebuild a bridge over the Maumee river, at Napoleon, Ohio, destroyed by the recent flood.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of commissioners of Henry county, Ohio, for the purpose of raising money to rebuild a bridge over the Maumee river, at Napoleon, Henry county, Ohio, be and they are hereby authorized and empowered to issue the bonds of Henry county, Ohio, in sums of not less than one thousand dollars each, and not to exceed in the aggregate forty thousand dollars, and at a rate of interest not to exceed six per centum per annum, interest payable semi-annually; said bonds to be made payable in a period of time not to exceed ten years, and redeemable at the pleasure of the county commissioners at any time after two years.

SEC. 2. Said bonds shall be signed by the commissioners of said county, and countersigned by the auditor, who shall keep a record of all bonds issued, to whom issued, and when made payable. Said bonds shall be made negotiable, but shall not be disposed of at less than their par value.

SEC. 3. That said board of commissioners is hereby authorized to levy a tax to pay said bonds, and the interest thereon, not to exceed three mills on the dollar valuation of the taxable property of said county in any one year.

SEC. 4. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed February 10, 1879.

[House Bill No. 661.]

AN ACT

To authorize the township trustees of Chardon township, Geauga county, to issue bonds and borrow money to construct a vault.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the township trustees of the township of Chardon, Geauga county, Ohio, having submitted to the electors of said township, on the second Tuesday of October, A.D. 1878, the question of levying a tax to build a vault for the use of said township, in pursuance of the act for such purposes, passed March 14, 1878, and the majority of said electors having voted in favor thereof, therefore the said trustees are hereby authorized to issue the bonds of said township, of the denomination of one hundred dollars each, not exceeding in the aggregate the sum of fifteen hundred dollars, and bearing interest not to exceed six per cent. per annum, and payable not later than one year from the first day of September, 1879. Said bonds to be sold at not less than par, and the avails thereof to be used in the construction of a vault for the use of said township, and be repaid from the tax levied in pursuance of the vote before mentioned.

SEC. 2. This act shall take effect upon its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed February 7, 1879.

[House Bill No. 742.]

AN ACT

To authorize the council of the city of Tiffin, Ohio, to make a contract with the Tiffin water-works, for a supply of water, for fire and other purposes, for a period not exceeding twenty-five years, and to levy taxes to pay water rents, to become due by terms of said contract.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the said city of Tiffin, Ohio, be and are hereby authorized and empowered to enter into a contract with the Tiffin water-works for a supply of water, for fire and other purposes, for a period not exceeding twenty-five years, and the certificate of the city clerk on the back of said contract, as required by section 3, chapter 2, division 9, of an act entitled an act to revise and consolidate the statutes relating to municipal corporations, to be known as title 12, part 1, of the act to revise and consolidate the general statutes of Ohio, passed May 14, 1878, shall not be necessary to make said contract legal, valid and binding.

SEC. 2. For the purpose of paying the water rents to become due by the terms of said contract, said council of said city are hereby authorized to levy a tax upon all taxable property of said city, in addition to the amount already allowed by law, every year during the continuance of said contract, sufficient in amount each year to pay the water rents that will become due during such year, and the amount so raised shall not be used for other purposes.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed February 10, 1879.

[House Bill No. 679.]

AN ACT.

For the relief of George Amerine.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Benton, Hocking county, are hereby authorized to release the said George Amerine, and his sureties on his official bond as treasurer of said township, from the payment of the sum of one hundred and four dollars, and to enter said release on the minutes of said trustees: provided, that before said release shall be made, the question shall be submitted to the qualified voters of said township, at some general election, and if two thirds of the electors voting at said election shall vote in favor thereof, and the trustees shall give public notice, at least ten days before the said election, that such release will be voted upon at said election.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed February 11, 1879.

[House Bill No. 631.]

AN ACT

Supplementary to an act entitled an act to authorize the village council of Mechanicsburg, Champaign county, Ohio, to levy a tax and issue bonds for building a town hall, engine room, and jail, and to authorize said council to issue said bonds and levy a tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Mechanicsburg, Champaign county, be and they are hereby authorized to issue the bonds of said village to the amount of twenty five hundred dollars, and sell the same for not less than their par value, for the purpose of completing the work, furnishing, heating, and lighting the buildings mentioned in the act to which this is supplementary, and in addition to the amount therein authorized, the bonds herein authorized to be signed of the denominations, and payable within the time, and to bear interest at a rate not to exceed seven per cent., payable annually, said bonds payable as stipulated in said act.

SEC. 2. Said council are hereby authorized to levy a tax for the purpose of paying said bonds and interest as they become due, in addition to the tax now authorized by law.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed February 11, 1879.

[House Bill No. 613.]

AN ACT

To authorize the council of the incorporated village of Logan, Ohio, to transfer one thousand dollars from the sanitary and street fund of said village to the general expense fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Logan, Ohio, be and they are hereby authorized to transfer permanently, by ordinance duly passed, one thousand dollars from the sanitary and street fund of said village to the general expenses fund of said village.

SEC. 2. This act shall go into effect at once upon its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed February 11, 1879.

[House Bill No. 680.]

AN ACT

To authorize the township trustees of Perry township, Logan county, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Perry township, Logan county, are hereby authorized to transfer seventy-six dollars and fifteen cents ($76.15) from the free turnpike fund of said township to the township fund of said township.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed February 12, 1879.

[Senate Bill No. 219.]

AN ACT

To authorize the county commissioners of Erie county to build a county jail and issue bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the county of Erie be and they are hereby authorized to build a county jail and jailor's residence upon the same lot of ground now occupied for that purpose, and to issue bonds therefor, not exceeding in amount the sum of thirty-five thousand dollars: provided, that the commissioners of said county, before issuing any bonds as provided in this act, or creating any indebtedness in anticipation thereof, shall, at some general election, after giving twenty days' notice of said election by publication in at least two newspapers of general circulation and published in said county, of the time and place of such election, submit the question of building such jail to the qualified voters of said county. The ballots to be voted at said election shall have printed or written thereon the words "Jail—Yes," or "Jail—No," and if a majority of the votes cast at said election shall be in favor of building such jail, then and not otherwise the commissioners of said county shall be authorized and required to carry out the provisions of this act.

SEC. 2. Said bonds may be in denominations of not less than one hundred nor more than one thousand dollars, bearing interest at not exceeding six per cent. per annum, payable semi-annually, and payable at such times as said commissioners shall deem for the best interest of said county, not exceeding fifteen years from the date thereof, which shall not be sold for less than their par value.

SEC. 3. For the purpose of paying the interest on said bonds, and the principal of the same as they shall become due, there shall be annually levied a sufficient tax upon all the taxable property in said county, in addition to the taxes now by law authorized to be levied thereon.

SEC. 4. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed February 12, 1879.

[House Bill No. 598.]

AN ACT

To authorize the auditor of Brown county, Ohio, to issue refunding orders on the treasurer of said county in favor of certain tax payers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of Brown county, Ohio, shall issue refunding orders on the treasurer of said county in favor of such person or persons who have paid all or any part of the assessment or assessments levied on their property since January 1, A. D. 1877, for the payment of bonds or interest arising from the indebtedness of and for the construction of any free turnpike road in said county, built and constructed under the law known as the

two-mile law, and said levy having been made by authority of an act of the legislature. [Ohio Laws, vol. 68, page 110.]

SEC. 2. That said orders shall be for the exact amount so paid by said person or persons aforesaid, and payable out of the free turnpike repair fund.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMEZ W. OWENS,
Passed Feuarbry 15, 1879. *President pro tem. of the Senate.*

[House Bill No. 707.]

AN ACT

To authorize the commissioners of Washington county to levy a special tax for purposes therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Washington county be and they are hereby authorized, at their discretion to, levy a tax for the relief of the poor in said county, in addition to the amount now authorized by law to be levied, not exceeding four-tenths of a mill on each dollar of taxable property within said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES. W. OWENS,
Passed February 15, 1879. *President pro tem. of the Senate.*

[House Bill No. 749.]

AN ACT

To authorize the agricultural society of Coshocton county to borrow money to pay its indebtedness.

WHEREAS, The Coshocton agricultural society consists of a tract of land adjoining the village of Coshocton, of the value of seventeen thousand dollars ($17,000), and said society has expended on improvements on said grounds the sum of ten thousand dollars ($10,000), and is the owner of eighteen village lots in said village of Coshocton of the value of two thousand dollars ($2,000), and have bills receivable to the amount of one thousand three hundred and seventy-nine dollars ($1,379), making the aggregate of property owned by said society, the sum of thirty thousand three hundred and seventy-nine dollars ($30,379); and

WHEREAS, Said society has an indebtedness of seven thousand nine hundred and eighty dollars ($7,980), of which indebtedness five thousand three hundred and twenty-eight dollars ($5,328) are secured by mortgage on its real estate, being a part of the deferred payment of the original purchase money of said real estate; and

WHEREAS, One thousand dollars ($1,000) is owing to Coshocton county from said society, and the residue of said indebtedness, viz., one thousand five hundred and eighty dollars ($1,580) being a floating debt; and

WHEREAS, Creditors of said society are demanding payment, the same being now past due, and there being no money in the treasury of said society to pay the same; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the said society, through its president, be authorized and empowered to borrow money, not exceeding five thousand dollars ($5 000), at a rate of interest not to exceed eight per cent. per annum, payable annually, which said money borrowed shall be applied to the payment of said indebtedness, and for no other purpose; and the president of said society is hereby authorized and empowered to execute, acknowledge, and sign a deed of mortgage on the real estate belonging to said society, for the security of the money so borrowed.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed February 18, 1879.

[Senate Bill No. 214]

AN ACT

To amend section two of an act, entitled "an act to authorize the commissioners of Brown county, Ohio, to construct a free turnpike road from the terminus of the Ripley and Hillsboro free turnpike road to the Highland county line, and to construct a free turnpike road from the terminus of the Arnheim free turnpike road via Sardenia to the Highland county line; also from the terminus of the Mt. Orab and Benton free turnpike road via Greenbush to the terminus of the Fayetteville and Chasetown free turnpike road," passed April 17, 1878. (O. L., v. 75, p. 1122.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of the above entitled act be amended so as to read as follows:

Section 2. That said county commissioners may, if they deem it best, issue bonds for the construction of said roads: provided said bonds shall bear interest at the rate of six per centum per annum, payable semi-annually, and shall not be sold for less than their par value: provided, further, that not over twenty per centum of the cost of said improvement shall be assessed in any one year: provided, that said commissioners shall, before proceeding to construct said roads, require and secure from those interested in said improvements a subscription or donation equal in amount to twenty per centum of the cost of said improvements, to aid in the construction of the same, or in lieu thereof, the said county commissioners may, under the supervision of the engineer, require of and compel said donors or land owners along said roads the complete grading and construction of culverts on said turnpike roads when the same is not now under contract.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed February 23, 1879.

[House Bill No. 711]

AN ACT

To authorize the transfer of certain funds in the township of Bedford, Cuyahoga county, to other funds in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Bedford township, Cuyahoga county, Ohio, may transfer from the cemetery fund of said township, to the hearse fund, any sum or sums of money not exceeding in the aggregate five hundred dollars.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed February 27, 1879

[House Bill No. 632.]

AN ACT

To authorize the commissioners of Stark county, and the city council of Canton, Ohio, to compromise with the sureties of George Fessler, late treasurer of said county, and ex-officio treasurer of said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Stark county be and they are hereby authorized, in their discretion, to settle and compromise with the sureties on the official bond of George Fessler, late treasurer of said county, and discharge them from liability upon the bond of said Fessler, as treasurer of said county, or any judgment that may be rendered thereon, upon the payment or securing to be paid upon time, not exceeding three years, by them into the treasury of said Stark county, of such sum or sums of money as to said commissioners shall seem proper and expedient: provided, that not less than thirty per centum of the deficit in said county treasury arising from the defalcation of the said George Fessler, late treasurer of said county, shall in the aggregate be paid or secured to be paid, as aforesaid, into said county treasury: and provided, further, that such compromise and settlement can only be made by a unanimous vote of the said commissioners.

SEC. 2. The city council of the city of Canton, Ohio, are hereby in like manner and subject to the same limitations, authorized and empowered to settle and compromise with the sureties upon the official bond of the said George Fessler, late ex-officio treasurer of said city, upon the consent of three-fourths of the members of said council, given and recorded upon making such compromise, at any regular meeting of said city council, for their joint and several liability to the treasury of said city from the defalcation of said George Fessler: provided, that nothing in this act shall be construed, nor shall any settlement effected under either section of this act be construed, to have the effect of discharging the said George Fessler, in whole or in part, from his liabilities on either of the aforesaid bonds.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed February 28, 1879.

[House Bill No. 702.]

AN ACT

To authorize the council of the incorporated village of New London, Huron county, Ohio, to levy a tax for the purpose of purchasing a town clock.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of New London, in the county of Huron, and state of Ohio, be and the same is hereby authorized and empowered to levy, in the year of 1879, a tax upon all the taxable property of said village not exceeding the sum of two mills on the dollar thereof, for the purpose of purchasing a town clock for said village, and setting up and putting the same in running order: provided, that before such levy is made, the question of such levy shall be submitted to the qualified electors of said village, at some regular or special election held therein, and shall receive a majority of all the votes cast at such election upon said question in favor of said levy: and provided, further, that ten days' notice of such submission shall be posted in at least five public places within the territory of such incorporated village.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 11, 1879.

[House Bill No. 647.]

AN ACT

For the transfer of certain lots of land, in the township of Newburg, Cuyahoga county, from the control of the board of education of the city of Cleveland, to the board of education of the township of Newburg.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following lots of land, numbers 468, 469, 470, 474, 475, 476, 477, 478, 480, 481, 482, 483, 484, 485, and 486, and so much of lots 466 and 467 as is situated north of Miles street, situated in township of Newburg, Cuyahoga county, be and the same are hereby transferred from the control of the board of education of the city of Cleveland, to the board of education of the township of Newburg, for school purposes.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 11, 1879.

[House Bill No. 745.]

AN ACT

To authorize the commissioners of the counties of Putnam, Wood, and Henry to levy a tax to pay certain fees therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of the counties of Putnam, Wood, and Henry are each,

in their capacity of board of county commissioners in their respective counties, hereby authorized and required to pay out of the general county fund of each of said counties all fees due and remaining unpaid: To Henry Kohlbe, civil engineer of Henry county; Lewis E. Holtz, civil engineer of Putnam county; David Donaldson, civil engineer of Wood county; L. Orwig, editor of the "Democratic Northwest;" George D. Kinder, editor of the "Putnam County Sentinel;" James Timmons, editor of the "Perrysburgh Journal;" and Evers and Rudolph, editors of the "Wood County Sentinel," for services rendered by each of said persons and firms, and for money advanced by them, or either of them, in paying the expenses of running the lines, making computations, plats and profiles, printing and publishing notices, under and by directions of the joint board of commissioners of said counties, of the joint county ditch, known as the "James Donald ditch, or ditch No. 88."

SEC. 2. That before said fees shall be paid, the several persons, or their assigns or legal representatives, shall make an accurate itemized account of all services rendered and money paid and advanced, by whom and to whom advanced, under oath, duly administered, and the account so made shall be examined and, if found correct, approved by the probate judge of the county in which the claimant resides, and the same shall be certified by him to the commissioners of the county to be in all respects correct: and, provided, that the sum allowed to each claimant shall not exceed the fees allowed by law for like services at the date of rendering the same, together with legal interest thereon.

SEC. 3. The board of commissioners, in their respective counties, shall, upon the presentation of the accounts of any claimant, duly certified to as hereinbefore provided, allow and order the same paid out of any funds belonging to the general county fund, not otherwise appropriated: and, provided further, that each county shall pay the one-third part of all fees and costs made in and about said proposed ditch.

SEC. 4. The county auditor of each county shall issue orders to each of said claimants for the sum allowed by the board of commissioners of the respective counties, and the same shall be paid out of the county treasury, as hereinbefore provided, and charged to the general county fund.

SEC. 5. The board of county commissioners of the respective counties shall, at their June session, A.D. 1879, levy a tax on all the property liable to be taxed in their respective counties sufficient in amount to reimburse said several general county funds for the same so paid out on said claims, and the same shall be put on the duplicate of the several counties and collected as other taxes are; and, when collected, shall be placed to the credit of the several general county funds.

SEC. 6. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 19, 1879.

[House Bill No. 700.]

AN ACT

To authorize the town council of the incorporated village of Richwood, Union county, Ohio, to transfer certain funds therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the town council of the incorporated village of Richwood, Union county, Ohio, are hereby authorized to transfer two hundred and ninety-five dollars and fifteen cents from the improvement fund, and fifty-eight dollars and sixty-five cents from the right of way fund, and eighty-three dollars and sixty-six cents from the street fund for the lighting of streets, to the general expense fund.

SEC. 2. That this act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 19, 1879.

[House Bill No. 822.]

AN ACT

To authorize the board of education of Perry township, Lawrence county, to levy a tax to pay the indebtedness of said township incurred in the erection of school-houses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Perry township, county of Lawrence, in addition to the other powers of taxation heretofore conferred by law, be and are hereby authorized and empowered to assess on the grand levy of the taxable property of said township, for each of the years 1879 and 1880, a tax not exceeding four mills on the dollar, to be applied only in liquidating the present indebtedness of said school board, incurred in the erection of school-houses in said township.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH.
President of the Senate.

Passed March 20, 1879.

[House Bill No. 778.]

AN ACT

For the relief of the official sureties of Lewis Myers, late treasurer of Auglaize county, state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Auglaize county be and they are hereby authorized and directed to release and cancel a judgment on account of suretyship against Isora McMurry, executrix of Robert McMurry, deceased, J. M. Lusk, administrator of Daniel McKircher, deceased, Emil Gunther, Charles P. Davis, David Kreitzer, Samuel Snyder, Simon Dres-

her, Samuel Focht, Cornelius Winegardner. Philip Styles, George Campbell, George Fisher, William Bodkin, William Bush, William Thrush, William Bitler, Mathias Mouch, Samuel Bitler, Leon Blume, Arthur Butler, Lewis N. Blume, and Daniel Snyder, in favor of the state of Ohio, at the suit of said commissioners, for the sum of $18,700.82. together with the penalty added of ten per cent. rendered in the court of common pleas of Auglaize county at the April term thereof A D. 1878, and to free and discharge the sureties aforesaid from all liability on said judgment, including costs, and from liability on the official bond of said Myers, as treasurer of the county of Auglaize aforesaid: provided, that nothing herein shall be construed as releasing, or as authorizing the release of said Lewis Myers, principal, from the payment of said judgment, nor from any liability on his said official bond: provided further, that said sureties of Lewis Myers shall cause to be collected and paid into the treasury of Auglaize county, all the moneys arising from the assets of said Lewis Myers, now in the hands of a trustee, placed there by said Myers, together with all real estate of said Myers, subject to this debt, and when so collected and paid into the treasury, the same shall be credited to the turnpike fund, and any deficiency thereafter remaining in said turnpike fund shall be levied and collected on the county duplicate at large, in like manner as county taxes are levied and collected; and, provided further, that before the commissioners of said county of Auglaize shall be authorized to release and cancel the judgment and liability provided for in this section, they shall submit to the electors of Auglaize county, at the April election of the year A. D. 1879, the question as to the release and cancellation of the judgment and liability provided for herein; and of which said election, notice shall be given by the sheriff of the county, by publication in two newspapers of opposite political parties, published in, and having a general circulation in said county, for at least ten days prior to said election.

SEC. 2. At said election, the electors of said county shall have written or printed on their regular ballots for township officers the words, "Release and cancellation on account of suretyship on bond of Lewis Myers, late treasurer of Auglaize county, Ohio—Yes;" and those voting against the same, the words, "Release and cancellation on account of suretyship on bond of Lewis Myers, late treasurer of Auglaize county, Ohio—No;" and if a majority of all the electors of said county voting at said April election upon the question, "release and cancellation on account of suretyship on the bond of Lewis Myers, from all liability for the payment of any sum of money due said county of Auglaize, on account of said suretyship and said judgment, yes," then said commissioners shall release all the said sureties on the said bond of said Lewis Myers, from all liability for the payment of any sum or sums of money due said Auglaize county on account of said suretyship and said judgment, "yes," then said commissioners shall release all the said sureties on the said bond of said Lewis Myers, from all liability for the payment of any sum or sums of money due said Auglaize county on account of said suretyship: provided further, that it shall be the duty of the judges of election in the several townships, precincts, and wards, in said Auglaize county, at said election in April, A. D. 1879. when the notice of said election has been advertised, as herein provided for, to open a poll for taking said vote, and to receive and count the ballots cast, and within three days thereafter to return to the auditor of said county of Auglaize a full and correct abstract of said votes, specifying the affirmative and the negative vote of

each proposition submitted at said April election, and the said judges of election shall be governed by the laws regulating general elections, and the poll books as returned shall, within five days from the day of holding election as herein provided, be opened and the votes counted by the commissioners, auditor of the county, clerk of the court of common pleas of said county, and the county treasurer, a correct statement of the result of which vote shall be kept by said auditor on file in his office for public inspection.

SEC. 3. That the question to be submitted to the electors of Auglaize county by this act, shall be printed or written on the ticket voted for township officers at the said election of first Monday of April, A. D. 1879, and if both alternate propositions are thus printed or written, and one stricken out, the one remaining shall be counted.

SEC. 4. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 20, 1879.

[House Bill No. 802.]

AN ACT

To authorize the board of education of union school district of the incorporated village of Lorain, in Lorain county, Ohio, to levy additional school tax in said school district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the union school district of the incorporated village of Lorain, in Lorain county, Ohio, be and they are hereby authorized to levy an additional tax of not to exceed two mills on a dollar of the taxable property of said district in the years 1879 and 1880, to be applied to the support of schools in said district.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 21, 1879.

[House Bill No. 774.]

AN ACT

To authorize the trustees of Madison township, Franklin county, Ohio, to sell certain real estate.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Madison township, Franklin county, Ohio, be and they are hereby authorized and empowered to sell at public auction, and to the highest bidder, lot number thirteen (13), in the village of Groveport, (formerly called Wirt's grove), in said township, together with all the

improvements, privileges, and appurtenances thereto belonging, and to execute to the purchaser a deed, conveying all the right, title, and interest of said township in and to said premises.

SEC. 2. Before making such sale the trustees of said township shall, at the April election in 1879, submit to the electors of said township the question whether or not said property shall be sold, and at least ten days before such election said trustees shall cause notice thereof to be given by written notices, posted in at least five of the most public places in said township; and if two-thirds of the electors voting at said election shall vote in favor of making such sale, said trustees shall sell said premises on the following terms: One-third cash, one third in one, and one-third in two years after the date of sale, the deferred payments to be secured by mortgage on the premises sold.

SEC. 3. Said trustees shall pay the proceeds of such sale into the common school fund of said township.

SEC. 4. That this act shalltake effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 21, 1879.

[House Bill No. 586.]

AN ACT

To authorize the commissioners of Shelby county to build one or more bridges within the limits of the villages of Newport and Berlin in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Shelby county be and they are hereby authorized and empowered to build one or more turn, draw, or swinging bridges across the Miami and Erie canal within the limits of the villages of Newport and Berlin, in said county, at such height from water-line, in such manner and at such times as they, the said commissioners may determine.

SEC. 2. That the trustees of Cynthian township, and the t ustees of McLean township, in said county, be and they are hereby required to enter into sufficient bond of indemnification to the state of Ohio, for damages sustained, said bond to be made to the acceptance of the board of public works of Ohio.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 21, 1879.

[House Bill No. 738.]

AN ACT

For the relief of G. W. Drake.

WHEREAS, On the 15th day of November, A. D. 1877, the bank of F. J. Phillips & Co., in Georgetown, Brown county, Ohio, failed in a large sum; and,

WHEREAS, G. W. Drake, late treasurer of said county, during his term of office, delivered to the bank of said F. J. Phillips & Co., for collection, certain drafts and checks which he had received for taxes, amounting to twenty-seven hundred and sixty-one dollars and thirty five cents ($2,761.35); and,

WHEREAS, Said bank became insolvent after having collected the said drafts and checks, and before the same were paid to said treasurer, that no part of the same ever came into the treasury of said county; and,

WHEREAS, The said G. W. Drake fully paid to his successor in office the whole of said amount; and,

WHEREAS, There is now in the treasury of said county a surplus of the county free turnpike fund amounting to over four thousand dollars; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Brown county be and they are hereby authorized to pay to said G W. Drake out of said county free turnpike fund the said sum of twenty-seven hundred and sixty-one dollars and thirty-five cents, so lost by him by reason of the failure of said bank: provided that said county commissioners shall not pay to said G. W. Drake said sum of money, nor any part thereof until a majority of the votes cast at the election hereafter provided for shall be in favor of said relief.

SEC. 2. That at the annual election to be held for township officers in the several townships of said county on the first Monday in April next, the question of the relief of said G. W. Drake shall be submitted to the qualified voters of said county. The ballots of said election shall be voted in form as follows: "For relief of G. W. Drake—Yes;" "For relief of G. W. Drake—No." And if a majority of votes cast thereon shall be for relief, the said commissioners shall make the payment authorized in the first section of this act. and said G. W. Drake shall before such payment is made assign to said commissioners his claim against said F. J. Phillips & Co., for the use of said county.

SEC. 3. Notice of such submission shall be given by at least two publications in two or more newspapers published in said county prior to said election. That it shall be the duty of the various clerks of said townships to forward the results of said elections to the clerk of the court of said county, and said clerk of the court shall determine the final result of said election, and furnish a copy of the same to the county commissioners aforesaid.

SEC. 4. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed March 22, 1879.

[Senate Bill No. 269.]

AN ACT

To authorize the commissioners of Coshocton county to transfer funds therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Coshocton county be and they are hereby authorized to transfer to the county fund the sum of twenty thousand dollars, as fol-

lows: From the court-house fund, one thousand seven hundred and seventy-one dollars and fifty-nine cents; from the road fund, six thousand nine hundred and fourteen dollars and fifty-two cents; from the bridge fund, eleven thousand three hundred and thirteen dollars and eighty-nine cents.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 22, 1879.

[House Bill No 731.]

AN ACT

To authorize the board of education of Concord township, Champaign county, to levy a tax and issue bonds in anticipation of the collection thereof, for the purpose of purchasing a site, and erecting a school-house thereon, in joint sub-district No 1 of Concord and Mad River townships.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Concord township, Champaign county, be and they are hereby authorized to issue their bonds for a sum not exceeding sixteen hundred dollars, for the purpose of purchasing a site, and building thereon a school-house, in joint sub-district No. 1 of Concord and Mad River townships; said bonds to be signed by the president and secretary of said board of education, and to be issued in denominations of not less than fifty nor more than one hundred dollars, payable within three years from date thereof, and to bear interest at a rate not exceeding seven per centum per annum, as the board may determine, and in no case to be sold for less than their par value.

SEC. 2. That, for the purpose of paying said bonds, and the interest thereon as the same shall become due, the said board of education are hereby authorized and empowered to levy a tax on all the taxable property of said township in such amount, annually, as will be sufficient to pay the principal of such bonds as may fall due in each year, together with the interest on all unpaid bonds so issued; and the money so raised shall not be used for any other purpose than to pay said bonds and interest.

SEC. 3. Said joint sub-district having been established, in conformity with the provisions of an act passed April 25, 1878 (O. L., vol. 75, page 120), by proceedings had in the probate court, and, as such act does not prescribe a method of locating sites in such cases, the board of directors having already secured a suitable location for a site, therefore the action of said board of directors of said district No. 1 is hereby legalized and made valid and binding.

SEC. 4. This act to be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed March 22, 1879.

[House Bill No. 692.]

AN ACT

To authorize the council of the incorporated village of Kenton, in Hardin county, to issue bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Kenton, in Hardin county, Ohio, be and it is hereby authorized and empowered, for the purpose of paying and discharging any and all debts and liabilities heretofore incurred for the use of said corporation, to issue the bonds of said incorporated village to an amount not exceeding sixteen thousand dollars.

SEC. 2. Said bonds shall be for a length of time, running from five to ten years, and to bear interest not to exceed seven per cent. per annum, payable semi-annually, February the 15th and August the 15th. Said bonds shall be signed by the mayor and clerk, and under the seal of said corporation, and be sold for not less than their par value, and the proceeds of said sale applied exclusively to the payment of said indebtedness.

SEC. 3. And it is further provided that the indebtedness of said incorporated village shall not be increased beyond the amount now existing, and that hereafter no orders shall be issued on the treasurer of said corporation when there is no funds for the payment of the same.

SEC. 4. And be it further enacted that the rate of taxation for all purposes of the corporation shall not exceed ten mills on the dollar, and that it shall be the duty of said council to set apart of the moneys collected by taxation for the use of said corporation in the years 1879 to 1889, inclusive, a proportionate amount each year as a fund for the payment of said bonds and interest, as the same may fall due.

SEC. 5. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed March 22, 1879.

[Senate Bill No. 305.]

AN ACT

To authorize the trustees of the township of Marion, Allen county, Ohio, to transfer funds therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the township of Marion, Allen county, Ohio, are hereby authorized to transfer two thousand dollars ($2,000) from the general fund to the school fund of said township.

SEC. 2. This act shall take effect on its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 22, 1879.

[House Bill No. 793.]

AN ACT

To authorize the county commissioners of Knox county to aid the county agricultural society of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Knox county be and they are hereby authorized to pay over to the county agricultural society of said county, out of any moneys in the county treasury, or that may come into the county treasury from any investments in any railroad or railroads, any sum not exceeding four thousand dollars, to enable said society to pay off its debts and improve its grounds: provided, that said society shall execute and deliver to said commissioners a mortgage on said grounds to secure the repayment of said sum, without interest, whenever said society shall sell said grounds or cease to use the same for the purposes of the society.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 26, 1879.

[House Bill No. 733.]

AN ACT

For the relief of Julia A. Trent, a teacher in the Manchester public school.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the school board of the special district of Manchester, Adams county, is hereby authorized and empowered to draw an order upon the treasury of said special district for the sum of $240, or any such sum as may be due and yet unpaid to Julia A. Trent as compensation for services under contract with said school board.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 26, 1879.

[Senate Bill No. 310.]

AN ACT

For the relief of the heirs of R. W. Davis and J. R. Cahill, of York township, Union county, Ohio.

WHEREAS, R. W. Davis, lately deceased, and J. R. Cahill, are bondsmen of W. H. Storms, late treasurer of York township, Union county, who was in default, upon his retirement from office as treasurer of said township, in the sum of twelve hundred and twenty-six ($1,226) dollars; and,

WHEREAS, The tax-payers, by a large majority of said township, well

knowing the financial condition of said bondsmen, and their inability to discharge their obligation without great privations to their families, have petitioned that an act of this legislature be passed releasing said bondsmen, allowing the burden of said bondsmen to rest upon them instead; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of York township, Union county, are hereby authorized and it is their duty to notify the qualified electors of said township at least ten days before some general election, that they will be called upon to vote upon the question of relief to the heirs of R. W. Davis and J. R. Cahill, bondsmen of W. H. Storms, late treasurer of said township, to give said notice by posting the same in at least five (5) public places in said township. The ballots of said election shall be voted in form, as follows: "For relief of heirs of R. W. Davis and of J. R Cahill—Yes;" or, For relief of heirs of R. W. Davis and of J. R. Cahill—No." And if two-thirds of the votes cast shall be for the relief of said bondsmen, then the trustees of said township shall cancel the bonds of said R. W. Davis and J. R Cahill.

SEC. 2. This act shall take effect on its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 26, 1879.

[House Bill No. 821.]

AN ACT

Authorizing the council of the village of Milford to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Milford, Clermont county, Ohio, be and the same is hereby authorized to transfer any surplus money of the real estate and right of way fund of said village, to the bridge fund thereof.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 26, 1879.

[House Bill No. 756.]

AN ACT

To authorize the commissioners of Guernsey county to build a court house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Guernsey county be and they are hereby authorized to build a new court house at the county seat of said county, at a cost not to exceed fifty thousand dollars.

SEC. 2. That, for the purpose of constructing such building, the commissioners of said county are hereby authorized to borrow the money necessary therefor for which they shall issue the bonds of the county,

bearing interest at the rate of not more than seven per cent. per annum, payable semi-annually, the principal and interest to be payable at such place and times as the commissioners may prescribe, not more than seven years from the date of said indebtedness, and not to be sold for less than their par value.

SEC. 3. That the bonds so issued shall be signed by the commissioners, or any two of them, and countersigned by the auditor, with or without coupons attached in sums of not less than fifty nor more than one thousand dollars each, payable to bearer, and specify distinctly the purpose for which they were issued.

SEC. 4. The board of commissioners shall annually hereafter at their June sessions levy such amount of taxes upon the tax duplicate of the county as shall be necessary to pay the accruing interest upon said bonds and such part of the principal as falls due each year, until said indebtedness is fully discharged.

SEC. 5. That, to enable said commissioners to pay off and discharge said indebtedness, they are also hereby authorized, if in their judgment they shall deem it best for the public interest, to s ll the stock now owned by said county in the Central Ohio railroad, and apply the proceeds in payment thereof.

SEC. 6. This act shall take effect and be in force from and after its passage.

JAMES E NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 26, 1879.

[House Bill No. 918.]

AN ACT

To authorize the trustees of Sutton township, Meigs county, to pay damage for the removal of county roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Sutton township, Meigs county, Ohio, be and they are hereby authorized to pay out of the road fund of said township the sum of three hundred dollars ($300) to aid in paying compensation and damages for the removal of the county road from Carltonville to Syracuse, on the Pomeroy and Racine road: provided, that the trustees shall first submit the proposition to pay compensation and damages to the qualified voters of said township (either at a general or special election) and a majority of the votes cast on said proposition are in favor of the same, which shall be presented in the following form, to wit: "For paying compensation and damages—Yes," "For paying compensation and damages—No."

SEC. 2. It shall be the duty of the trustees, before submitting said proposition, to give in one of the newspapers published in Meigs county, at least five days' notice, next preceding said election, stating the form of said ballot, when said vote will be taken, and the object thereof, and by a like notice posted in ten public places in said township.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 26, 1879.

[House Bill No. 763.]

AN ACT

To amend section one of an act to authorize the creation of a special school district in Canaan township, Morrow county (vol. 75, pages 1161 and 1162, O. L.), passed and took effect May 13, 1878.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above recited act be amended so as to read as follows:

Section 1. That the territory now embraced in sub-district number six in Canaan township, in the county of M rrow, described as follows: The south half of the south-east quarter of section seventeen (17), thirty acres of the south-west quarter of the south-west quarter of section sixteen (16), belonging at present to John Adams; the east half of section twenty (20), the south-west quarter of section twenty (20), the south-east quarter of the north-west quarter of section twenty (20), the west half of section twenty one (21), the south-east quarter and the west half of the north-east quarter of section twenty-one (21), fifty acres, more or less, of the west half of the south-west quarter of section twenty two (22), now owned by C. C. Leonard; the we t half and the west half of the north-east quarter of section twenty-eight (28), five acres, belonging to Nathan Betts; and eleven and 131-160th acres, owned by Dr. J. W. Thatcher, in the west part of the north-west quarter of section thirty-three (33), and the north-east quarter and the east half of the north-west quarter, and the east three-fourths of the south-east quarter of section twenty-nine (29).

SEC. 2. Section one of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect from its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 26, 1879.

[House Bill No. 458.]

AN ACT

To authorize the commissioners of Scioto county to purchase toll-road, and levy tax to pay for same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Scioto county are hereby authorized to purchase that portion of the Portsmouth and Columbus turnpike lying and being in Scioto county, whenever, in their judgment, they can do so at a reasonable price, and the court of common pleas of said county, upon application of the commissioners of said county, is authorized to name and appoint three disinterested freeholders of said county, whose duty it shall be to view such part of said turnpike road as lies within said county to ascertain its value, and to negotiate with the proper parties for its purchase, and report the result of said negotiation to said commissioners for their approval or rejection.

SEC. 2. The said county commissioners are empowered to levy a tax upon all the taxable property of Scioto county, not to exceed five-tenths

of one mill to the dollar in any one year, said tax to be levied, from year to year, until a sufficient sum is thereby collected to pay for said road.

SEC. 3. When said road shall have been purchased by said commissioners, it shall become a free turnpike, and shall be kept in repair by the commissioners, and be controlled in all respects as other free turnpikes of the county.

SEC. 4. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 26, 1879.

[House Bill No. 675.]

AN ACT

Supplementary to an act entitled "an act to authorize the trustees of Silver Creek township, Greene county, to loan certain moneys," as amended March 15, 1875; passed April 8, 1876. (O. L., vol. 73, p. 289.)

WHEREAS, The money in said amended and original acts mentioned was raised by the levy of taxes upon all the property listed for taxation within the territory contained within the limits of said township, as originally established under that designation, which territory was subsequently divided into two townships, under the names of Silver Creek township and Jefferson township, and said taxes were paid by the inhabitants of said two townships; and,

WHEREAS, The said period of fifteen years from the date of maturity of said missing bonds expired on the first day of January, 1879; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Silver Creek township be and they are hereby authorized and required to divide the said money, and the accrued and accumulated interest thereon, between said two townships, in parts to each proportional to the amount so paid in taxes by the inhabitants of each of said townships respectively, as near as practicable, and to pay over to the trustees of Jefferson township the portion so found belonging to said Jefferson township: provided, that if, for any cause, said Silver Creek township shall hereafter be legally held liable for, and required to pay, and shall so pay said missing bonds, or any part or portion thereof, then and in that event said Jefferson township shall be required to refund her pro rata portion of the amount so paid.

SEC. 2. That so much of the provisions of the act of April 8, 1876, to which this is amendatory, as conflict with the provisions of this, is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 27, 1879.

[Senate Bill No. 303.]

AN ACT

To authorize the commissioners of Marion county to borrow money to pay an indebtedness of the "Marion and Mansfield free turnpike road," and to levy and assess a tax for the payment thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Marion county be and they are hereby authorized and empowered to issue the bonds of said county, not to exceed twelve hundred and seven ($1,207) dollars, bearing a rate of interest not exceeding seven (7) per cent. per annum, and to be of such denomination as the commissioners of said county may determine; said bonds shall be signed by the commissioners of said county, and countersigned by the county auditor, and payable at such times as they may determine, not exceeding ten (10) years from date, the interest payable semi-annually; and the money arising from the sale of said bonds shall be applied to the payment of the indebtedness of said "free turnpike road."

SEC. 2. The commissioners of said county shall provide for the payment of said bonds and interest by a levy and assessment upon the real and personal property within the construction territory of said "Marion and Mansfield free turnpike road."

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 27, 1879.

[House Bill No. 872.]

AN ACT

For the relief of Jacob Gehres, and others, sureties on the official bond of Peter F. Feigert, late treasurer of Van Wert county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Van Wert county are authorized and required to release and cancel a judgment on account of suretyship against Jacob Gehres, Frederick Feigert, Michael Krisher, Charles Keihl, Peter Krisher, Philip Krisher, George Peter Germann, John C. Miller, Jacob Feldner, Conrad Peifert. Philip Hott, Peter Feldner, William Mildenberger, John Bowers, John N. Wendel, Philip Miller, William Bowers, James Baxter, Michael Hurless, Isaac Baliet, Frederick Sheets, Henry Gebhart, William Springer, Jacob Springer, Samuel Hurless, Louis Oshsle, Adam Alvater, Peter Gephart, Levi Mosier, Jacob Deibert, Philip Keiper, Peter Gehres, and John P. Kline, in favor of the state of Ohio, at the suit of said commissioners for the sum of $9,650.46, rendered in the court of common pleas of said Van Wert county, at the October term thereof, A.D. 1877, upon said sureties paying the remainder of said judgment over and above $5,000.00, the true intent and meaning hereof being to authorize and direct said commissioners to release said sureties from the payment of $5,000.00, part of said judgment: provided, that nothing herein shall be

construed as releasing, or as authorizing the release of said Peter F. Feigert, principal, from the payment of said judgment.

SEC. 2. That before said commissioners shall release and cancel the said judgment, as provided in the first section of this act, they shall submit to the electors of Van Wert county, at the April election of the year 1879, the question as to the release and cancellation of the said judgment, and of which election notice shall be given by publication in two newspapers of general circulation of said county for at least ten days prior to said election. At said election the electors voting for said release shall have written or printed, or partly written and partly printed on their ballots, the words and figures: "Release and cancellation of judgment against the sureties on the bond of Peter F. Feigert, late treasurer, upon payment by them of all of said judgment in excess of $5,000.00—Yes;" and the electors voting against said proposition shall have written or printed, or partly written and partly printed on their ballots, the words and figures: "Release and cancellation of judgment against the sureties on the bond of Peter F. Feigert, late treasurer, upon payment by them of all of said judgment in excess of $5,000.00—No;" and if a majority of the ballots cast at said election shall be in favor of said proposition, then the said commissioners shall release and cancel said judgment, upon payment as aforesaid of the remainer [remainder] in excess of said sum of $5,000.00.

SEC. 3. It shall be the duty of the judges of election in the several townships, precincts, and wards in said Van Wert county, at said April election aforesaid, to open a poll for taking said votes, and to receive and count the ballots cast, and within three days thereafter to return to the auditor of the said county a full and correct abstract of said votes for and against said proposition; and the said judges shall be governed by the laws regulating annual elections; and the poll-books so returned shall, within five days after holding such election, be opened and the votes counted by the commissioners and auditor of the county; a correct statement of the result of such count shall be kept by the auditor for public inspection.

SEC. 4. This act shall take effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 28, 1879.

[Sub. for House Bill No. 537.]

AN ACT

To authorize the town council of the incorporated village of New Lexington, Highland county, to transfer certain funds from the village prison fund to the street fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town council of the incorporated village of New Lexington, Highland county, be and they are hereby authorized to permanently transfer from the village prison fund of said incorporated village all of said fund that is now in the treasury of said incorporated village to the street fund of aid village, for street purposes.

SEC. 2. This act shall take effect from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed March 31, 1879.

[House Bill No. 786.]

AN ACT

To extend the time for payment of school lands in section number sixteen, in Green township, Hamilton county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a further period of five years from the time of the passage of this act, be and the same is hereby given to the purchasers of lands in school section number sixteen, in Green township, Hamilton county, Ohio, for the payment of the principal of the purchase money thereof: provided, that the interest and taxes thereon shall be punctually paid according to law: and provided further, that the auditor of said county may at any time require additional security for the payment of the principal and interest, if in his opinion the public interest may require it.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed March 31, 1879.

[House Bill No. 864.]

AN ACT

To consolidate the territory comprising the township of New London, in Huron county, Ohio, into a special school district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That upon a vote as hereinafter provided for, the territory comprising the township of New London, in Huron county, Ohio, now consisting of the New London township school district, and the New London village school district, be and the same is hereby organized into a special school district, to be known as the New London school district.

SEC. 2. The trustees of said township shall, at least five days prior to the annual election occurring on the first Monday of April, A. D. 1879, cause written or printed notices to the qualified electors of said township, of an election to be held at the same time and place of said annual election, to determine the question of the proposed consolidation, to be posted in at least five conspicuous places in said township, and at such election the said trustees shall provide a separate box to receive the ballots cast. The electors of said township in favor of such consolidation shall have written or printed upon their ballots the words, "Special school district—Yes;" and those opposed thereto, the words, "Special school

district—No;" and the majority of the ballots cast shall determine the question of such consolidation.

SEC. 3. The board of education of such special district shall consist of six members, who shall be apportioned to the same as follows: Two shall be residents of the territory now comprising the said village district, two shall be residents of the territory now comprising the said township district, and two shall be chosen from the territory of the township at large; and said board of education shall be elected in the manner now provided by law for the election of boards of education in village districts, except that on the first Monday following the affirmative determination of the question of the proposed consolidation, the board of education of each of said school districts shall meet, and each choose three persons to serve as members of the board of education of such special district, as follows: Two persons, resident electors of their respective districts, one to serve for one year, and one to serve for three years; and one person, a resident elector of said township at large, to serve for two years; and the six so chosen shall constitute the board of education of such special district, and shall serve until their successors are elected and qualified.

SEC. 4. The said special district shall be governed and controlled in every manner by the laws of Ohio now in force relating to village districts; and the board of education may appoint a board of examiners, in the manner now provided by law for city and village districts having a population of twenty-five hundred inhabitants: provided, however, that no change shall be made in any of the joint sub-districts of said township, except in the manner now provided by law; but in such of said joint sub-districts where the school buildings are now situated in said township, no local directors shall be elected, but the same shall be under the supervision of the board of education of said special district.

SEC. 5. All school funds on hand belonging to either of said school districts shall be transferred to the treasurer of said special district, and all school property, both real and personal, belonging to either of said school districts, shall become the property of said special district: provided, however, that if the school funds on hand in either of said districts should exceed that in the other, the amount necessary to make them equal shall be raised by taxation in the district so deficient.

SEC. 6. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed March 31, 1879.

[House Bill No. 827.]

AN ACT

For the relief of Landon Heskitt.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Guernsey county, in the state of Ohio, be and they are hereby authorized to refund to Landon Heskitt, from the treasury of said county, the amount of moneys (without interest) paid

by said Landon Heskitt as surety for Everett Heskitt, upon his bond, forfeited at the November term, 1877, of the court of common pleas of said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed March 31, 1879.

[House Bill No. 831.]

AN ACT

To authorize the council of the village of Wadsworth to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Wadsworth, Medina county, Ohio, be and it is hereby authorized to transfer the surplus funds levied and collected for fire and water purposes, and now remaining in the treasury of said village, to other funds, at the discretion of said council.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed March 31, 1879.

[House Bill No. 870.]

AN ACT

To authorize the board of education of Paint township, in Holmes county, to transfer certain funds from the contingent fund to the tuition fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Paint township, in Holmes county, be and it is hereby authorized to transfer six hundred and forty-three dollars and seventy-four cents of the money levied and collected for contingent fund in that school district, to the tuition fund of the district.

SEC. 2. This act shall take effect on its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed March 31, 1879.

[House Bill No. 773.]

AN ACT

To authorize the village council of the incorporated village of Clarksville, Clinton county, Ohio, to levy a tax and issue bonds to raise money to build a mayor's office and corporation prison.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of the incorporated village of Clarksville, Clinton county, Ohio, be and it is hereby authorized to contract for the building

of a mayor's office and corporation prison, and to raise money for the building thereof, as herein provided.

SEC. 2. That said council is hereby authorized to issue bonds, not exceeding in amount the sum of seven hundred dollars, which may be used in payment of the contractor or contractors, for the building thereof, or may be sold by said council, as herein provided, or either, as to said council may seem most advantageous to the interests of said village, for the purpose of raising money to build a mayor's office and corporation prison, said bonds to be signed by the mayor and the clerk of said village, and to be registered by said clerk [and], and to be issued in sums of not less than twenty-five nor more than fifty dollars, and bearing interest at a rate not exceeding six per cent. per annum, the principal and interest to be paid in such time, not exceeding three years from the time of issuing the same, and in such amounts each year as said council may direct: provided, said bonds shall not be sold for less than their par value.

SEC. 3. That for the purpose of paying said bonds as the same shall become due, the said village council is hereby authorized and empowered to levy a tax on all the taxable property of said village, in such amounts, annually, for the years 1879, 1880, and 1881, as will be sufficient to pay the principal and interest of said bonds as they may become due each year: provided, the amount of tax levied for such purpose in any one year shall not exceed two mills and a half on the dollar valuation of the taxable property: and, provided, further, that the money so raised shall be used for no other purpose.

SEC. 4. Before such bonds shall be issued or before building contracted for the question of issuing such bonds for the purpose of building such mayor's office and corporation prison, shall, at some regular election to be held in such village, be submitted to the vote of the qualified electors of said village, and if a majority of the votes cast upon the question so submitted be in the affirmative, then such bonds may be issued and such contract let; but if a majority of such votes be in the negative, such bonds shall not be issued and such contract shall not be let.

SEC. 5. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed March 31, 1879.

[Senate Bill No. 324.]

AN ACT

To authorize the trustees of Pike township, Perry county, Ohio, to transfer certain funds therein named.

SECTION 1. *Be it enacted by the General Assembly of the Stateof Ohio*, That the trustees of Pike township, Perry county, be and they are hereby authorized to transfer three hundred and thirty-nine dollars and ninety-six

cents of the cemetery fund to the township revenue fund of said township.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March31, 1879.

[Senate Bill No. 292.]

AN ACT

To authorize and empower the city council of the city of Newark, in Licking county, Ohio, to transfer certain money from the sewer fund to the general fund in said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Newark, Licking county, Ohio, be and they are hereby authorized and empowered to transfer one thousand dollars permanently from the sewer fund to the general fund of said city.

SEC. 2. This act shall take effect and be in force on and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 31, 1879.

[Senate Bill No. 260.]

AN ACT

To authorize the creation of an additional school sub-district in Beaver Creek township, Greene county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the territory embraced within and described by the following boundaries, to wit: beginning at the north line of section thirty-two at the north-east corner of the land of George Tobias, thence south with said Tobias' line to section line thirty-two, and south-east corner of the lands of John Shautz; thence west with said line to the west section line of section thirty-two, and south-west corner of the Samuel Koble farm; thence north with said line to the Pan-Handle railroad; thence west with said railroad to the half section line in section two, in the lands owned by John Durnbaugh; thence north with said line to the north line of section two; thence east with said line to the place of beginning, being a part of the territory now included in sub-district number five in said township, be and the same is hereby created and declared an additional sub-school district.

SEC. 2. The board of education of said township are hereby authorized and required to levy a tax on all the taxable property of said township, to be levied at their next meeting in April, for the purpose of purchasing a site and building a school house on said above described territory.

SEC. 3. This act shall take effect and be in force on and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 31, 1879.

[House Bill No. 796.]

AN ACT

To authorize the board of education of Waterford township, Washington county, Ohio, to compromise with the defaulting treasurer of said township.

WHEREAS, Jesse Green was, from eighteen hundred and seventy-one until eighteen hundred and seventy-eight, treasurer of the township of Waterford, Washington county, Ohio; and

WHEREAS, It appears that there is a deficiency in the accounts of said Green of $746 54 in the school fund; and

WHEREAS, Said Green is insolvent, and many of his sureties have either died, removed, or become pecuniarily worthless, and the said Green offers a settlement which secures the township in the full amount of said deficiency; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of said township are hereby authorized to accept and enter into such settlement upon the terms specified in the resolution adopted by said board on the 21st day of December, 1878.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed March 31, 1879.

[Senate Bill No. 273.]

AN ACT

To provide for indexing the land records of Licking county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Licking county are authorized to enter into a contract with the recorder of said county to re-index the records of deeds in said county from 1808 to 1864, in the following manner, to wit: The names of grantors and grantees shall be indexed direct and reverse, in separate volumes, the christian names arranged in alphabetical order, and the surnames in like manner; such indexes shall contain after each name indexed a reference to volume and page of the deed records, together with the number of acres, date of instrument, and the section, township, range, town or city, or survey of the land conveyed, giving also the number of the city or town lot.

SEC. 2. Said commissioners are authorized to contract with said recorder to make reverse indexes of the mortgage records of said county, substantially in the manner above indicated for deeds, and the direct indexes already made in said county of mortgage records shall be taken, used, and kept up as the legal, direct indexes of such records in said county, and such mortgage indexes, both direct and reverse, shall show whether any given mortgage has been canceled or not.

SEC. 3. Such indexes when completed shall be kept up by the recorder of the county, in the manner above indicated, and it shall not be necessary to keep any other indexes of said records in said county.

SEC. 4. The county commissioners of said county are authorized to contract with said recorder for making said records at a rate not exceeding four cents for each name indexed, which shall be paid by the county treasurer upon the allowance of the county commissioners, upon the warrant of the county auditor.

SEC. 5. It is hereby made the duty of the recorder of said county, after the completion of said indexes in the manner hereinbefore prescribed, that he carry forward said indexes in the manner aforesaid, and that he shall charge the same fees for such service as is now allowed by law.

SEC. 6. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 1, 1879.

[House Bill No. 804.]

AN ACT

To authorize the village of Delta, in Fulton county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Delta, in Fulton county, Ohio, be and the same is hereby authorized to transfer the sanitary fund, prison, street, fire, water, bridge, sinking, hall, marshall, and police, and interest on public debt, funds on hand and in the treasury of said village on the 13th day of February, 1879, to the general fund.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 1, 1879.

[House Bill No. 761.]

AN ACT

To dissolve a joint sub-district and to attach territory to a separate school district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That joint sub-district number three, in German township, Allen county, is hereby dissolved.

SEC. 2. That the following territory be and the same is hereby attached to the Elida separate school district, to wit: the south-west quarter and that part of the south-east quarter lying west of the Ottawa river, of section number seven (7), and the west half, and that part of

the east half lying west of the Ottawa river, of section number eighteen (18), German township, Allen county.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed April 3, 1879.

[House Bill No. 908.]

AN ACT

To authorize the council of the incorporated village of Edgerton, in Williams county, to permanently transfer certain funds to pay indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Edgerton, in Williams county, be and they are hereby authorized to permanently transfer to the general corporation fund of said village, to pay indebtedness, amounts as follows: From the corporation building fund, thirty dollars; from the light and water fund, fifty dollars; from the fire and reservoir fund, sixty dollars; from the sanitary and street improvement fund, twenty dollars; from the cemetery fund, twenty dollars; from the park fund, thirty dollars; from the road fund, one hundred dollars; all of which funds to be in said village treasury at the passage of this act.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed April 3, 1879.

[House Bill No. 898.]

AN ACT

To authorize the agricultural society of Franklin county to borrow money.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Franklin county agricultural society is hereby authorized to borrow a sum of money, not exceeding one thousand dollars, for the purpose of improving the fair grounds of said society, and rebuilding certain buildings and structures thereon destroyed by fire, and for the purpose of effecting such loan, the president of said society, when so authorized by a majority of all the members of said society, at a regular or special meeting, may execute a note for the amount of money so borrowed, and sign the same as president of said society.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 11, 1879.

[House Bill No. 937.]

AN ACT

For the relief of Joseph Stofer.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Montgomery township, Ashland county, Ohio, are hereby authorized to release said Joseph Stofer, and his sureties on his official bond, from all liabilities for the payment of the sum of two thousand dollars, township school funds deposited with the Citizens' Savings Bank, of Ashland, Ohio, and lost through the failure of said bank: provided, that before said release shall be made, Joseph Stofer shall assign and transfer unto the trustees of said Montgomery township his certificate of deposit, book account, and entire claim held by him against said bank for said amount so deposited by him; and, further, the trustees of said Montgomery township are hereby authorized and required to submit the question of releasing the said Joseph Stofer from his liability on said bond to the qualified electors of said township at any general or special election to be held in 1879, five days' previous notice having been given of such submission by said trustees, by posting notices in three public places in different portions of said township; and if two-thirds of the electors voting at said election shall vote in favor of releasing the said Joseph Stofer on his official bond as treasurer of said township from payment of said sum of money, then the said Joseph Stofer, and his sureties, shall not hereafter be held liable to make up said money to said township.

SEC. 2. That the electors of said township voting at said election shall place on their ballots either the words, "For release," or "Against release." And if two-thirds of all the electors voting at said election shall vote "For release," then the said Joseph Stofer, and his sureties, shall not be liable to make up said money to said township; and the trustees of said township are hereby authorized and required to levy and assess a tax on the taxable property of said township, not exceeding said sum, to be applied to the same special fund or funds, and for the same purposes that said funds were to have been applied.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W OWENS,
President pro tem. of the Senate.

Passed April 12, 1879.

[House Bill No. 936.]

AN ACT

To authorize a certain improvement in the village of Napoleon.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Napoleon, in Henry county, be and the said council is hereby authorized to improve Perry street and its extensions in said village, from the north side of the Wabash and Erie canal to the south side of the Wabash railway, by either macadamizing or paving with Medina sandstone, or other stone of equal quality, as the council may decide.

SEC. 2. The cost of said improvement, including interest on money borrowed therefor, shall be paid by an assessment on the lots and lands abutting thereon, to be imposed thereon equally by the foot front, except the cost of the intersections, which shall be paid by a tax on all the taxable property in said village, which tax may be levied in addition to the taxes that said village is otherwise authorized by law to levy.

SEC. 3. To anticipate the collection of the assessments and tax aforesaid, the council may borrow any sum of money not exceeding twenty-eight thousand dollars, and for that purpose issue bonds in such sums as the council may determine, bearing interest at seven per centum per annum, payable semi-annually; said bonds shall be for seven years, but redeemable, nevertheless, at any time after two years from their date, at the pleasure of the council; and said assessments and tax shall be payable in assessments, so as to pay said bonds and the interest thereon, as aforesaid, within the time limited, and they shall be signed by the mayor, countersigned by the clerk, and have the corporate seal affixed, and a register thereof shall be made, showing the date of each bond, the date of its issue, the payment of interest thereon, and the payment of the principal; and none of said bonds shall be sold or disposed of for less than the par value thereof.

SEC. 4. The said assessments and tax shall be certified by the clerk of said village to the county auditor, and place [placed] upon the duplicate and collected like other taxes, and paid over to the treasurer of said village, and paid out by order of the council for the cost of said improvement, and the payment of said bonds and interest thereon, and for no other purpose whatever.

SEC. 5. Said bonds shall, on their face, show that they are issued for the Perry street improvement.

SEC. 6. This act shall take effect from its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed April 12, 1879.

[House Bill No. 935.]

AN ACT

To authorize the purchase and sale of certain buildings and land in Hampden, Geauga county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the question of selling the old town hall and site in which it stands, and purchase of a school house building and site in sub-district number one in said township, for town hall purposes in the township of Hampden, Geauga county, having been voted upon at the October election of 1878, by the qualified electors of said township, and a majority having voted therefor, the township trustees of said township are authorized to sell and convey said town hall and site, and invest the proceeds of such sale, or so much thereof as may be necessary, in said school house building and site, for the use of said township.

SEC. 2. The board of education of said township of Hampden is authorized to sell and convey to the trustees of said township, for township purposes, the school house building above described, paying into the treasury

of said township the proceeds of such sale, to the credit of the school fund therein.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed April 14, 1879.

[House Bill No. 832.]

AN ACT

To authorize the commissioners of Fayette county to refund and pay to Evans James certain moneys, wrongfully assessed against him.

WHEREAS, On the petition of Evans James and others, the commissioners of Fayette county located and established a certain county road in said county; and,

WHEREAS, The commissioners, in their said order for establishing said road, required the said Evans James to pay the compensation and damages allowed to land owners along the line of said road, amounting to the sum of two hundred and forty-two dollars and twenty-five cents; and,

WHEREAS, Since the establishment of said road the then board of commissioners and the present board are clearly of the opinion that said road is of such public utility as to authorize the payment of all compensation and damages therefor by said county; and,

WHEREAS, Doubt exists as to the lawful authority for said commissioners now to refund said sum so paid by said Evans James; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Fayette county are hereby authorized and empowered to refund and pay to Evans James the said sum of two hundred and forty-two dollars and twenty-five cents, so by him paid as compensation and damages for said road, as set forth in the preample to this act, out of the road fund of said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed April 14, 1879.

[House Bill No. 755.]

AN ACT

To provide for indexing the land records of Greene county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Greene county may enter into a contract with the recorder of said county to re-index all the records of deeds in said county, in the following manner, to wit: The names of grantors and grantees shall be indexed direct and reverse, in separate volumes, the christian names arranged in alphabetical order, and the surnames in like manner;

such indexes shall also contain after each name indexed a reference to volume and page of the deed records, together with the number of acres, the date of the deed, the consideration named, and the section, township, and range, or survey of the land conveyed; but if the same be a town lot it need only be described by the number and addition.

SEC. 2. Such recorder shall also make reverse indexes of the mortgage records of said county, substantially in the manner above indicated for deeds, and the direct indexes already made in said county of mortgage records shall be taken, used, [and] kept up as the legal direct indexes of such records in such county, and said mortgage indexes, both direct and reverse, shall show whether any given mortgage has been canceled or not.

SEC. 3. Such indexes, when completed, shall be kept up by the recorder of the county, in the manner above indicated, and it shall not be necessary to keep any other indexes of said records in said county.

SEC. 4. The county commissioners may contract for making said records, at a rate not exceeding four cents for each name indexed, including description, which shall be paid by the county treasurer, upon the allowance of the county commissioners, upon the warrant of the county auditor.

SEC. 5. The recorder may charge a fee of ten cents for indexing each deed or mortgage filed with him after the completion of said indexes, to be paid by the person filing the same.

SEC. 6. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed April 14, 1879.

[House Bill No. 777.]

AN ACT

To authorize the council of the village of Franklin, in Warren county, Ohio, to borrow money and issue bonds for the purpose of repairing, building, and furnishing the town hall building in said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the town council of the village of Franklin, in Warren county, Ohio, be and they are hereby authorized to borrow money, not to exceed in amount the sum of five thousand dollars, for the purpose of completing and furnishing the town hall building in said village.

SEC. 2. That, for the purpose aforesaid, said town council are hereby authorized and empowered to issue bonds, to be signed by the mayor and attested by the recorder of said village, in such amounts as said council may stipulate, bearing interest at a rate not exceeding six per cent. per annum, said bonds to be payable at any time within ten years: provided, that said bonds shall not be sold for less than their par value: and provided, further, that no bonds under this act shall be issued until the question of their issue shall have been submitted to the qualified electors of said village, after notice thereof has been given at least ten days prior to said election, at a regular or special election, and a majority of said electors shall vote in favor of issuing said bonds.

SEC. 3. That the said council of said village is hereby authorized to levy a tax annually, on all taxable property within the corporate limits of said village to pay said bonds, together with interest thereon, as they shall become due, which levy shall be placed on the tax duplicate by the auditor of said county and collected as other taxes.

SEC. 4. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 16, 1879.

[House Bill No. 828.]

AN ACT

To authorize the council of the incorporated village of Mt. Sterling, Madison county, Ohio, transfer money from the sewer fund to the sinking fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Mt. Sterling, Madison county, Ohio, be and they are hereby authorized to permanently transfer from the sewer fund of said village the sum of five hundred and ninety-six dollars and thirty-two cents ($596.32) to the sinking fund.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 16, 1879.

[House Bill No. 838.]

AN ACT

To change the time for holding the second term of the court of common pleas in the county of Mercer for the year 1879.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the time for holding the second term of the court of common pleas, in the county of Mercer, as fixed by the judges of the third judicial district, be and the same is hereby changed; and that said term shall be held on the twenty-fifth day of August, A. D. 1879, instead of the day as fixed by said judges.

SEC. 2. This act shall take effect from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 16, 1879.

[House Bill No. 943.]

AN ACT

To authorize the board of education of the village of Millersburg to borrow money and levy a tax to pay indebtedness, and repair school-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the village of Millersburg, in Holmes county, be and they are hereby authorized to borrow any sum of money, not exceeding three thousand dollars, necessary to pay the existing indebtedness of said board, and repair their school-house, and to issue bonds therefor bearing interest not exceeding seven per centum per annum, payable annually, to be signed by the president, and countersigned by the clerk of said board, and to be in amounts and payable at times, to enable the board to pay the same by the levy hereby authorized; and to pay said bonds, and the interest thereon, said board are hereby authorized to levy a tax of two mills on the dollar of valuation of the property within said district, for three consecutive years, in addition to the levy now authorized by law.

SEC. 2. This act shall take effect from its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 16, 1879.

[House Bill No. 843.]

AN ACT

To authorize the trustees of Hiram township, Portage county, to build a vault and provide means for the payment of the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Hiram township, Portage county, be authorized to levy and assess a tax upon all the taxable property in said township to the amount of fifteen hundred dollars, for the purpose of building a vault for the reception of the dead, the same to be built under the direction of the township trustees: provided, that the trustees shall first submit the question of tax or no tax, for the above named purpose, to the qualified electors of the township at some regular or special election, having given at least twenty day notices of the same in at least ten public places in the township, which notice shall state the amount to be raised, and for what purpose.

SEC. 2. The electors voting at such election shall have written or printed on their ballots the words, "Tax for the purpose mentioned—Yes," or, "Tax for the purpose mentioned—No;" and if a majority of all the voters voting at the election upon the question submitted, shall vote tax yes, this act shall thereupon be considered and holden to be adopted by such majority.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 16, 1879.

[Senate Bill No. 329.]

AN ACT

To authorize the commissioners of Brown county, Ohio, to construct certain free turnpike roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Brown county, Ohio, be and they are hereby authorized to construct the following free turnpike roads.

First road: to begin at the intersection of the old state road, with the Ripley and Bradysville turnpike, near Hiett's post-office in said county, thence with said state road, nearly as practicable to the bridge across Eagle Creek and Neal's store, thence with said road crossing the west fork of Eagle Creek near Stephenson's mill to the village of Decatur.

Second road: to begin at the Highland county line near J. L. Berger's mill, and running on the old road as nearly as practicable to the Clermont county line near Logtown.

Third road: to begin at Feesburg in said county, and running on the old road as nearly as practicable to the Georgetown and Hamersville free turnpike road.

Fourth road: to begin at a point on the Russelville and Winchester free turnpike road, east of Russelville, thence in a southeastern direction so as to pass near Pilson's mill to a point on the Ripley and Tranquility turnpike, near E. Davidson's, also the extension of the same, beginning at the northwest corner of the public square in the village of Decatur in said county, and running on the old state road east to the Adams county line, and intersecting with the west Union and Decatur turnpike.

Fifth road: to begin at the junction of the Higginsport and St. Creek and Georgetown and Higginsport free turnpike roads, and continuing to the junction of the Higginsport and Utopia and the Higginsport and Bullskin free turnpike roads.

Sixth road: to begin at a point near Jacob Bowers, on the Ripley and Bradysville pike, and following the old Maysville road as nearly as practicable to the Hungington turnpike.

Seventh road: beginning at the village of New Hope, and running eastward on the old state and county road, via of Mrs. Applegate's farm, crossing White Oak creek, near Robert Browns, as nearly as practicable to the old Wardlow ford, and continuing on said road, crossing the Cincinnati and Eastern R. R. near White Oak station, to the Highland county line, north of R. C. Peddicords.

SEC. 2. That said county commissioners may, if they deem it best, issue bonds for the construction of said roads: provided, said bonds shall bear interest at a rate of six per cent. per annum, payable semi-annually, and shall not be sold for less than their par value: provided, further, that not more than twenty per centum of the cost of said improvement shall be assessed in any one year.

SEC. 3. That said commissioners shall, before proceeding to construct said roads, or any one or parts of same, require and secure from those interested in said improvements, a subscription or donation equal in amount to twenty per centum of the cost of said improvements to aid in the constuction of the same, or in lieu thereof may cause those interested in said improvements to grade and culvert said roads or parts of roads ready for the material for the same.

SEC. 4. That for the purpose of paying said bonds the county commissioners are hereby authorized to levy and assess a tax not exceeding one mill on the dollar, annually, on any and all property in said county, excepting such lands as have heretofore been assessed for the construction of any free turnpike or improved road or roads already constructed, unless the amount that would be ratably levied upon the said lands shall exceed the amount of such assessment.

SEC. 5. That a majority of the said board of commissioners shall, at a regular session, be necessary to agree upon specifications, and order said improvements or any part thereof.

SEC. 6. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 22, 1879.

[House Bill No. 812]

AN ACT

To provide for the straightening, clearing out, widening, deepening, and otherwise improving Mud creek and Greenville creek, also their tributaries, in Darke county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Darke county, Ohio, shall have power at any regular or called session, whenever, in their opinion, the same is demanded by or will be conducive to the public health, convenience, or welfare, or for the drainage of public roads or lands in said county, to cause to be cleared out, widened, deepened, straightened, constructed, and improved, as hereinafter provided, the following described ditch, drain, or water-courses, known as Mud creek and Greenville creek, commencing at the junction of the two tributaries of Mud creek, in the west half of the northwest quarter of section 28, town 11, range 2, east, in the present Mud creek ditch; thence down on or near the present line of said ditch or Mud creek, to its junction with Greenville creek; thence down on or near the present line or route of said Greenville creek, until a sufficient fall and outlet is obtained for the thorough drainage of lands along said streams and their tributaries, dependent on the mains, Mud creek, and Greenville creek, for an outlet.

SEC. 2. That whenever one or more persons owning lands adjacent to said ditch or ditches, drain or drains, water-course or water-courses, referred to in section one (1) of this act, shall file a petition with the auditor of Darke county, Ohio, addressed to the commissioners of said county, giving the starting point, route, and terminus, and setting forth the necessity of such clearing and widening, deepening, straightening, and constructing the same, and shall file a bond, with amount and sureties to the acceptance of the said auditor, conditioned to pay all the costs and expenses incurred, in case the commissioners shall refuse to grant the prayers of the petition, or fail to establish said improvement, the commissioners shall appoint an engineer to survey and level the route of said proposed improvement as described in the petition; and the auditor shall place a correct copy of said petition in the hands of the engineer

whom the commissioners shall have appointed, and said engineer shall thereupon take to his aid the necessary assistance, and proceed to make an accurate survey and level of the route of said proposed improvement throughout the whole length thereof, and on completion of said survey and level shall return to the county auditor a plat and profile of said proposed improvement, together with a complete report of his survey, which shall set forth, in order, a definite description of the proposed improvement, its availability and necessity, with a description of each parcel or tract of land, road, or railroad benefited by said improvement, how it will be affected thereby, and the estimated expense of said improvement, and the lots and tracts of land, roads, or railroads which will be benefited thereby, and which should be assessed for the expense of constructing the same, and the depth of excavations, and the dimensions of said ditch, drain, or water-courses; and such estimated expense of construction shall be made for each half mile of said improvement, and the same shall not be sold for more than twenty per cent. above said estimate. The profile of the engineers shall show:

1. The surface line, the grade line fixed, and the number of each station. and the length of each section thereof, of not more than one hundred (100) feet, numbered in a series down stream.

2. A line representing the present depth of the ditch, drain or water-courses covered by and mentioned in the petition for the improvement proposed.

3. The depth and a cross section (each half mile) of the ditch, drain, or water-course which the said engineer shall recommend to complete the improvement suggested by and prayed for in the petition.

The said engineer shall give in his report the actual number of cubic yards of earth to be removed, also specify the manner in which the work shall be done, the necessary flood-gates, water-ways, bridges, and farm-crossings, which are to be constructed and kept up by the persons requiring them or either of them, in such manner that the flow of water in said ditch, drain, or water-courses shall not be impeded thereby, together with such other facts and suggestions as he may deem material. It shall be the duty of the county auditor, on such report being filed, to cause notice of the same, the pendency and prayer of said petition, and the time set for the hearing thereof by the county commissioners, at which time they will establish the same, to be given by publication for two consecutive weeks in some newspaper published and of general circulation in Darke county, and said notice shall be deemed sufficient to all non-resident land-owners interested, and a like notice shall be served on all resident land-owners, or corporations interested, at least six days prior to the day set for hearing, by one of the petitioners, who shall make a return in the original notice, under oath, of the manner and time of serving said notice.

SEC. 3. That any person or persons claiming compensation for lands or property appropriated, or who shall sustain any damage by the clearing out, widening, deepening, straightening, or constructing of such drain, ditch, or water-courses shall make his, her, or their application in writing therefor to the county commissioners, and file the same with the county auditor, on or before the day set for hearing the petition, and on failure to make such application, shall be deemed and held to have waived his, her, or their right to such compensation and damages.

SEC. 4. Upon the hearing of the petition and report of the engineer, as mentioned in section two of this act, the commissioners shall, if they

find the requirements of the second section of this act have been complied with, and if, in their opinion, the public health, convenience, and welfare, and the drainage of roads and land demand it, enter upon their journal an order that said improvement be made, which order shall state the kind of improvement, and the width and extent of the same, and the lands which shall be assessed for the expense of the same, and they shall thereupon appoint a competent engineer to superintend the performance and completion of said work, who shall give printed notice, for at least two weeks, of the time and place, when and where, he will let contracts for the performance of the same, which notice shall be given by posting one notice upon the door of the auditor's office, and not less than ten such notices in public places in the vicinity of said proposed improvement, and who shall, with the approval of the county commissioners make a contract for the completion of the work, and the contractor may at once enter upon the performance of said work, under the superintendence of the engineer appointed as aforesaid: provided, that said improvement shall be let in sections of not less than one-half mile, and to the lowest and best bidder, who shall give bond and security for the proper performance of his contract within the time and manner described, as the county commissioners may deem sufficient.

SEC. 5. The commissioners, when any such improvement shall have been ordered by them, shall immediately, upon actual view of the premises, apportion the expense of said improvement, including the cost of compensation for lands appropriated and damages sustained, and all other expenses of the location and establishment of said improvement, upon the real property embraced in the order aforesaid, according to the benefit to be derived therefrom. When the apportionment shall have been made as aforesaid, the county auditor shall give notice of the same by publication, in tabular form, in some newspaper published and of general circulation in said county for two consecutive weeks, of the time when the commissioners will meet at the county auditor's office to hear exceptions to the same, which notice shall be deemed sufficient for all non-residents interested, and a like notice to all resident land owners, corporations or other parties interested, served as provided in section 2 of this act. On the day named in said notice, the commissioners shall meet, and if no exceptions have been filed to said apportionment, they shall confirm the same; but if exceptions in writing have been filed by any of the owners of the lands affected thereby, they shall first proceed to hear such exceptions, and for that purpose shall hear any testimony that shall be offered by any party interested, and either one of the said commissioners shall be authorized to administer oaths to witnesses, and upon such hearing they may either confirm said apportionment or change the same. The final action of the commissioners shall be entered upon their records, and shall show how the said expenses has been apportioned upon the lands ordered to be assessed as aforesaid. The county auditor shall assess the amount of said apportionment to the said several tracts of land, town lots, roads, or railroads to which the same has been as aforesaid apportioned by said commissioners, and place the said assessment upon a special tax duplicate, to be provided for that purpose by the county commissioners, and said assessment shall be collected as taxes are now collected: provided that all the costs and expenses of the preliminary survey, proceedings, and apportionment of said improvement shall be paid out of the county treasury; and all the expenses and costs aforesaid shall be paid into the county treasury out of the first collections from the first levy of taxes authorized by this act.

SEC. 6. That for the purpose of raising the money necessary to meet the expense of said improvement, the commissioners of the county are hereby authorized to issue the bonds of the county, payable in installments or at intervals, not exceeding, in all, the period of five years, bearing interest at a rate not to exceed six per cent. per annum, payable semi-annually, which bonds shall not be sold for less th .n their par value; and the said assessment shall be divided in such manner as to meet the payment of principal and interest of said bonds, and to be placed upon the special tax duplicate against the lands assessed, and be collected in the same manner as other taxes are, and the same penalties for delinquencies and in redemption of the lands sold for the non-payment of such assessments, shall be valid, the same as in state and county taxes, and when collected, the money arising therefrom shall be applied to no other purpose than the payment of said bonds and interest: provided that the money paid out of the county (treasury) for the preliminary survey and other expenses, shall be first paid into the said treasury: and provided further, that no bonds shall be delivered or money paid to any contractor, except upon estimate of work done as the same progresses, or is c mpleted, which estimate shall be made by the engineer of said improvement, and one or more of said county commissioners.

SEC. 7. For the purpose of keeping said ditch, drain, or water-courses free from drift wood, brush, or other obstructions, the county commissioners shall be authorized to levy, from time to time, such an amount of tax on the lands so benefited and heretofore assessed for the said improvement, as in their judgment may be deemed sufficient to keep such water-courses in good repair, and said amount so levied shall be applied to the removing of such drift-wood or other obstructions under and by direction of said commissioners, in such manner as they may deem best, and they shall enter an order upon their journal, specifying the amount to be levied for such purpose, and the portion or portions of such ditch, drain, or water courses to be freed, and the same shall be collected and applied according to the previous provisions of this act.

SEC. 8. The fees of the county auditor, treasurer, commissioners, probate judge, and engineer and surveyor shall be the same as provided by law for like services in other cases, and shall be paid out of the county fund and not again reimbursed; except the engineer and surveyor's fees, which shall be reimbursed, each chainman, rodman, and axman shall receive one dollar and twenty-five cents per day. The printer's fees for publishing the notices herein provided for shall be at the rate of fifty cents per square for actual printed matter for the first insertion, and twenty-five cents per square for each subsequent insertion, and no more. All cost bills shall be examined and approved by the commissioners.

SEC. 9. The said county commissioners may, when such improvement is located and established as provided in this act, and the same crosses any corporate or public road, or any railroad, if they are of the opinion that the same will be benefited, and the road-bed or traveled track will be made better by the clearing out, widening, deepening, straightening, and constructing said ditch, drain, or water-courses, apportion and set off to the county, if a county or state road; to the township, if a township road; to the company, if a corporate or railroad, a part of the cost of constructing said improvement, the same as to private individuals, according to the provisions of this act, and compel them to pay said costs o construction in like manner.

SEC. 10. If application for compensation or damages shall have been made agreeably to the third section of this act, the commissioners shall fix a day on which they will meet and determine, upon actual view of the premises, the amount of compensation or damage to be paid to such applicant, and also a day when they will make their report. After the report of said commissioners shall have been made, the petitioners may discontinue the said proceedings, by paying all costs that have been accrued up to that time, and notifying the auditor, in writing, that they will not further prosecute the same; but no proceedings shall be discontinued unless the notice thereof shall be signed by a majority of the petitioners for said ditch.

SEC. 11. If any person shall feel aggrieved by the action of said commissioners in the assessment of damages or compensation, they may, within fifteen days from the making of said report, appeal from the decision of the commissioners, to the probate court of the county, by giving an undertaking with good and sufficient sureties, to be approved by the auditor, conditioned to pay all costs on such appeal; if the appellants shall fail to sustain their appeal against the decision of the commissioners, and such undertaking having been given, the auditor shall forthwith certify to the probate court a copy of said appeal, together with a description of the property taken, or injured, as contained in the report of the commissioners, which shall be docketed in said court, styling the appellant plaintiff, and the commissioners defendant.

SEC. 12. If the appeal be taken on account of damages or compensation allowed by the commissioners, such proceedings shall be had to determine the amount as are required by the act entitled "an act to provide for the compensation and damages to private property appropriated to the use of corporations," passed April 30, 1852, and the acts amendatory thereof and supplementary thereto, and the compensation or damages found in favor of said claimant shall be certified by said probate judge to the county auditor, and paid out of the county treasury from the general fund.

SEC. 13. All acts and parts of acts, and provisions of law now in force relating to the construction, clearing out, widening, or otherwise improving any ditch, drain, or water-courses, that are inconsistent, or in any way conflict with the provisions of this act, shall be held to be inoperative and of non-effect in any proceedings had by and under the provisions of this act; but in all matters not provided for in this act, the commissioners shall be governed by the general laws in force relating to the locating and establishing, widening, deepening, or otherwise improving ditches, drains, and water-courses, as they may be applicable to these proceedings.

SEC. 14. That the collection of taxes levied, or ordered to be levied, to pay for the location, establishment, and construction of any ditch, drain, or water-course, to be straightened, widened, deepened, or otherwise improved under and by authority of this act, shall not be perpetually enjoined or declared absolutely void in consequence of any error committed by the engineer or surveyor, or by the county auditor, or by the county commissioners in the location or establishment thereof, nor by reason of any error or informality appearing upon the record of the proceedings by which such ditch, drain, or outlet shall have been located and established. But the court in which any proceedings may hereafter be brought to revise, or to declare void the proceedings by which such ditch, drain, or outlet has been located or established, or to enjoin the

tax levied or to be levied to pay for the labor and fees aforesaid, shall, if there be manifest error in said proceedings, set the same aside, and allow the plaintiff in the action to come in and show wherein he has been injured thereby. The court shall, on the application of either party, appoint such person or persons to examine the premises or survey the same, or both, as may be deemed necessary; and the court shall on final hearing make such order in the premises as shall be just and equitable, and may order such tax to remain on the duplicate for collection, or order the same to be levied, or may perpetually enjoin the same, or any part thereof, or if the same shall have been paid under protest, shall order the whole, or such part thereof as may be just and equitable, to be refunded. The costs of such proceedings to be apportioned among the parties, or paid out of the county treasury, as justice may require.

SEC. 15. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 23, 1879.

[Substitute for House Bill No. 811.]

AN ACT

To authorize the council of the city of Delaware to issue bonds for the purpose of purchasing a site and erecting thereon a public hall, to be used for public offices and such other public purposes as the council may authorize.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the city of Delaware, Delaware county, Ohio, be and the same is hereby authorized to issue the bonds of said city, in any sum not exceeding thirty-five thousand dollars, bearing interest not exceeding six per cent. from the date of issue, payable semi-annually, for the purpose of purchasing a site and erecting thereon a public hall, to be used for public offices and such other public purposes as the council may authorize.

SEC. 2. Said bonds shall be issued in such amounts respectively as will, in the judgment of said council, best subserve the negotiations and sale of the same.

SEC. 3. The council of said city, for the purpose of paying said bonds, is hereby authorized to levy a tax, in accordance with law, upon the taxable property and real estate of said city, to be certified to the auditor of the county of Delaware, and to be collected as other taxes for city purposes.

SEC. 4. Said bonds shall not be sold for less than par value.

SEC. 5. The council of said city shall be authorized and empowered to erect said public hall, under the direction of a superintendent, who may be authorized to purchase such material as may be necessary, and employ labor by the day or month, as said council may determine.

SEC. 6. This act shall take effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 24, 1879.

[House Bill No. 830.]

AN ACT

To authorize the commissioners of Clermont county to levy a tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Clermont county are hereby authorized to levy such an amount of taxes for the year 1879 (in addition to the taxes now authorized by law), upon the taxable property of Clermont county, as will satisfy the county bonds remaining unpaid at this time, and issued by the county commissioners of said county to pay for improving two miles of a county road, leading from Felicity, in said county, to Laurel, in the same county, not exceeding in amount seventeen hundred dollars.

SEC. 2. Said taxes to be placed upon the county duplicate, and collected as other taxes.

SEC. 3. This act shall take effect on and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 24, 1879.

[House Bill No. 942.]

AN ACT

To authorize the council of the incorporated village of Madison, Lake county, to borrow money and issue bonds to construct a vault for the reception of the bodies of the dead.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Madison, Lake county, be and they are hereby authorized to submit to the electors of said village, at a general or special election, the question of borrowing money and issuing the bonds of said village, to an amount sufficient to construct a vault in the cemetery of said village for the reception of the bodies of the dead, after giving fifteen days' notice thereof, by posting [in] not less than three public places [notices], signed by the mayor of said village, said notice shall specify the time and place of holding such election, and the amount of levy required to be made for said purpose.

SEC. 2. If a majority of the electors voting at said election shall vote in favor of issuing the bonds as specified in said notice, then the council of said village be and they are hereby authorized to borrow the money required, and issue bonds in such sums as they may think best, at a rate of interest not exceeding seven per cent., payable annually; said bonds shall all become due not later than three years from their date: provided, that said council shall not issue bonds for the foregoing purpose for a greater sum than the aggregate than the amount specified in said notice; said bonds shall be signed by the mayor and clerk of said village.

SEC. 3. The council issuing bonds under this act may dispose of the same at not less than their par value, and shall pay over the proceeds to the trustees of the cemetery of said village, who shall expend the same in constructing a vault in said cemetery for the reception of bodies of the dead.

SEC. 4. The council of said village be and they are hereby authorized to levy a sufficient tax upon all the property of said village, each year, to pay all the interest on the bonds for that year, and all the bonds that become due the following year, until all of said bonds are fully paid.

SEC. 5. This act shall take effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 24, 1879.

[House Bill No. 741.]

AN ACT

To authorize the commissioners of Brown county to tranfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Brown county, Ohio, are hereby authorized to transfer from the county free turnpike fund of said county the surplus now remaining to the credit of said fund, amounting to four thousand twenty-eight dollars and fifteen [cents] ($4,028.15), to the special free turnpike fund, created by an act passed May 6, 1878. (O. L., vol. 75, page 1138.)

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 1, 1879.

[Senate Bill No. 341.]

AN ACT

To authorize the council of the village of Canfield, Mahoning county, Ohio, to levy a tax for the construction and repair of sidewalks.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Canfield, in the county of Mahoning, be and they hereby are authorized to levy annually a tax, not exceeding two mills, in addition to the tax now authorized by law to be levied, for the purpose of constructing and repairing sidewalks in said village.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 2, 1879.

[Senate Bill No. 379.]

AN ACT

To authorize the board of county commissioners of Hamilton county to maintain, repair, protect, and preserve Mitchell avenue tunnel from the bridge fund of said county (supplementary to "an act to authorize the board of county commissioners of Hamilton county to extend Mitchell avenue under the Miami and Erie canal, and to levy a tax to defray the expense thereof," passed April 28, 1877. Vol. 74 O L., page 484.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the board of county commissioners of Hamilton county to maintain, repair, protect, and preserve Mitchell avenue tunnel, and for that purpose it is hereby authorized to appropriate money from the bridge fund of said county whenever necessary.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 3, 1879.

[House Bill No. 953.]

AN ACT

To authorize the village of Logan, Hocking county, Ohio, to erect a building for a town hall, market house, mayor's office, village prison, etc., to borrow money and issue bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Logan, Hocking county, Ohio, be and the same is hereby authorized and empowered to erect a building for the purpose of a town hall, market house, village prison, offices for the officers of the village, firemen's hall, and general village purposes, at a cost not exceeding fifteen thousand dollars: provided, that before proceeding to erect such building, the question for and against the erection of such building shall be submitted to the qualified voters of said village at a special or general election to be held for that purpose, the time and place of which the mayor of said village shall give not less than ten days' notice, by publication in some newspaper of general circulation in said village; that such election shall be conducted in the manner provided by law for the election of village officers. Those voting in favor of the erection of said building shall have written or printed on their ballots the words "City Building—Yes," and those voting against the erection of such building shall have written or printed on their ballots the words "City Building—No."

SEC. 2. If a majority of the electors voting shall be in favor of the erection of said building, said council may, and they are hereby authorized to borrow a sufficient amount of money to pay for the erection and furnishing of such building, not exceeding fifteen thousand dollars, to bear interest not exceeding six per centum per annum, payable annually; said bonds shall not be sold for less than their par value, and may be made payable any time not exceeding five years from the date of their issue.

SEC. 3. That said council be and they are hereby authorized and empowered to levy a tax upon the taxable property of said village to pay said bonds, and the interest thereon as the same becomes due.

SEC. 4. This act shall take effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 3, 1879.

[House Bill No. 957.]

AN ACT

To authorize the commissioners of Putnam county to issue bonds to raise money to redeem certain outstanding bonds.

WHEREAS, The commissioners of Putnam county, on the first day of September, 1875, issued bonds of said county on account of ditches constructed, in pursuance of the act of April 29, 1873 (70 v. 185), amounting to twenty-five thousand dollars, in sums of one hundred dollars each, bearing interest at the rate of eight per centum, payable semi-annually, eighty of which were made payable in three years, eighty in four years, and ninety in five years, from date of issue; and

WHEREAS, Eighty of said bonds, payable on the first day of September, 1878, have been redeemed, and the interest on the remainder has been regularly paid; and

WHEREAS, Said commissioners, on the fifteenth day of September, 1876, issued bonds of said county for the like purpose, and in pursuance of the same act, amounting to ten thousand dollars, in like sums, and bearing the same interest, thirty-four of which were made payable in three years, thirty-three in four years, and thirty-three in five years, from date of issue; and

WHEREAS, Said commissioners are desirous of extending the time of payment of said indebtedness, by the issue of new bonds, at a reduced rate of interest; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Putnam county are hereby authorized to issue the bonds of said county to the amount of twenty-seven thousand dollars, in sums not to exceed five hundred dollars each, bearing interest at the rate of six per centum, payable semi-annually, which bonds shall be made payable in not less than five nor more than twenty years from the date of their issue, as the commissioners deem best, and shall not be sold for less than par, and the proceeds of which shall be used to redeem the outstanding bonds mentioned in the preamble to this act, as the same become due, and for no other purpose: provided, that the new bonds herein provided for shall be issued in installments, as required to redeem said outstanding bonds.

SEC. 2. That said commissioners shall assess annually, upon the lands benefited by the improvement on account of which said outstanding bonds were issued, an[d] amount sufficient to pay the principal and interest of said new bonds as the same become due, and no more.

SEC. 3. This act shall take effect and be in force on and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 3, 1879.

[House Bill No. 986.]

AN ACT

Supplemental to an act authorizing the trustees of Madison township, Clarke county, Ohio, to join with the council of the incorporated village of South Charleston in the construction of a town hall for the joint use of said township and village, passed April 8, 1876. (O. L., vol. 73, pages 292, 293.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in addition to all the powers conferred on the board of trustees of Madison township, Clarke county, Ohio, and the council of the incorporated village of South Charleston by the act herein recited be and they are hereby authorized to issue additional bonds to the amount of fifteen hundred dollars for the purpose of completing, furnishing, and heating said town hall, subject to all the terms and conditions of the act to which this is supplemental.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 6, 1879.

[Senate Bill No. 291.]

AN ACT

To divide the township of Union, county of Licking, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township of Union, in the county of Licking, be divided into two precincts, for election purposes, as follows: All that part of said township described as follows, to wit: Commencing at the north-east corner of said Union township; thence west to the north-west corner of said township; thence south to the south-west corner of section number two in said township; thence east on the section line to the line between the twelfth and thirteenth ranges, and thence north to the place of beginning, shall be known as the north precinct; and all the remaining part of said township shall be known as the south precinct.

SEC. 2. In all elections for state, county, township, and municipal officers, it shall be the duty of the trustees and township clerk to serve as judges and clerks in the precinct in which they reside, and the other judges and clerks for each precinct shall be duly appointed, as the law directs, by the trustees; but in case of failure so to do, the judges and

clerks shall be chosen viva voce by the electors of such precinct, in such manner as is provided by law.

SEC. 3. The judges and clerks appointed by the trustees, or otherwise shall be governed in their election returns, the charge of the ballot-boxes, and the receiving of ballots, by the provisions of the election laws in force, and shall receive for their services the same compensation as is allowed judges and clerks of election by law.

SEC. 4. It shall be the duty of the township trustees to give lawful notice of all state, county, township, and municipal elections, in both precincts, and the places where the polls shall be opened.

SEC. 5. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 8, 1879.

[Senate Bill No. 287.]

AN ACT

To authorize the city of Akron to receive moneys in trust for the Akron Rural Cemetery Association.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Akron be and are hereby authorized and empowered to receive any moneys from the Akron Rural Cemetery Association, an association organized under the laws of Ohio, and having a cemetery within the limits of said city, and to hold and constitute said moneys so received an irreducible fund for the use and benefit of said association, in the aggregate not exceeding fifty thousand dollars ($50,000.00); and in consideration of the receipt thereof, to pledge the faith and credit of said city to the payment of interest thereon at the rate of six per centum per annum, payable semi-annually, forever, to said association; and all interest so accruing shall be paid to said association, which shall be applied and expended for the purpose of maintaining the improvements of said cemetery, as its directors may direct; and it shall be the duty of said council to provide, and it shall provide, for the payment of said interest as it becomes payable, in the manner it provides for the payment of other debts and liabilities of said city: provided, that said money shall be applied to the payment of the bonded indebtedness of said city, should such bonded indebtedness exist at the time of its receipt.

SEC. 2. This act shall take effect and be in force on and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 8, 1879.

[House Bill No. 897.]

AN ACT

To authorize the trustees of Sandusky township, Sandusky county, Ohio, to issue bonds to the amount of twelve hundred dollars ($1,200) for the purpose of paying certain indebtedness of said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the purpose of paying orders number thirty-five (35), number forty (40), and number eighty-six (86), heretofore issued by the clerk and trustees of Sandusky township, Sandusky county, Ohio, be and they are hereby authorized and empowered to issue and sell the bond[s]of said township, not exceeding twelve hundred dollars ($1,200) in amount, of such denominations as said trustees shall determine, due in one year after the date thereof, bearing a rate of interest not exceeding seven (7) per cent. per annum: provided, said bonds shall not be sold for less than their par value.

SEC. 2. That for the purpose of paying said bonds so authorized to be issued by this act, said trustees of said township are hereby authorized and empowered to levy a tax upon all taxable property of said township, not exceeding twelve hundred and eighty-four dollars ($1,284), and the money so raised shall not be expended for any other purpose.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 8, 1879.

[House Bill No. 967.]

AN ACT

Providing for the relief W. M. Corry.

WHEREAS, By an ordinance passed by the trustees of the Mt. Auburn, Walnut Hills, and Clintonville special road district, adjoining to, and since annexed to the city of Cincinnati, 15th of November, 1869, an assessment of $11 per front foot was levied for the improvement of Jefferson street, Corryville, from Calhoun to St. Clair street, which was previously ordered to be made by said trustees. And the said assessment ordinance, besides many lots 25 feet front by 100 deep, belonging to various owners, covered blocks 25 and 32, owned by W. M. Corry, being each 400 feet square, and fronting on four unimproved streets, to wit: Block 25 by Jefferson, Boone, Madison, and Hammond, and block 32 by Jefferson, Hammond, Madison, and Wayne streets, so that the assessment upon the 800 feet front of the two blocks would be $8,800, which the law made a lien only on the Jefferson street front to the depth of 100 feet; and,

WHEREAS, The contractor claimed a lien for the Jefferson street improvement over the entire blocks, which claim being assailed by suit in the Hamilton common pleas, was, by a mistake of the law and of the facts, allowed by the court, affirmed on appeal by the district court, and afterwards on error to the supreme court, from which last court, on sug-

gestion of an erroneous decision of a federal question, the case was heard after three years' delay, and relief derived by the supreme court of the United States; and,

WHEREAS, In May, 1875, an order of sale of the district court aforesaid had been issued, following the decree by which said blocks 25 and 32 were appraised entire at $12,000 each, but the sale was suspended by Justice Swayne, of the United States supreme court, and proceedings were superceded in the state courts until 1878. The federal court docket not permitting an earlier hearing, but which order for sale is now being enforced so as to sacrifice the entire blocks for the making of one street out of the four on which they front respectively; and

WHEREAS, Since the decree in this case the courts of Ohio have decided that the limit of the street contractor's lien upon undivided blocks extends only to the depth of 100 feet, if that be, as it is here, the usual depth of lots, and consequently the counsel on both sides, the parties, and the court were mistaken in allowing it to extend over the entire blocks 25 and 32, or four times as much property as should have been charged, leaving nothing for the other three streets, which mistake they would correct if the unavoidable delay of over three years in the federal court had not cut off the writ of error; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of the city of Cincinnati be and he is hereby authorized and required to ascertain the actual value of the Jefferson street front of blocks 25 and 32, Corryville, 100 feet deep, in proportion to the total appraised value aforesaid, and that shall be the extent of the contractor's lien. The said W. M. Corry shall pay his part of the assessment according to the law at the time said lien took effect, and the city the remainder thereof, within ninety days from the time when such reassessment is made. If said Corry, at the expiration of said time, is in default of payment, then the part of the premises above designated shall be sold. The city auditor shall issue his warrant upon the city treasurer for the amount to be paid by the city, to be paid out of the general fund of said city, and the same shall be a sufficient voucher without other proceedings.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 8, 1879.

[House Bill No. 1015.]

AN ACT

To authorize the commissioners of Ross county to cut down and grade Demoss Hill.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Ross county are hereby authorized to cause to be cut down and graded the Demoss Hill, in Colerain township in said county, provided that said improvement shall not cost the county to exceed four hundred dollars.

SEC. 2. The county commissioners are hereby authorized to appropri-

ate the sum of four hundred dollars out of the bridge and road fund of the county for the purpose of paying for said improvement.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 8, 1879.

[House Bill No. 909.]

AN ACT

Authorizing the county commissioners of Sandusky county, Ohio, to levy an additional tax for county and poor purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Sandusky county, Ohio, be and they are hereby authorized, in the years 1879 and 1880, to levy upon each dollar of the taxable property of said county, for county purposes, five-tenths of one mill, and for poor purposes three-tenths of one mill, in addition to the levy for said purposes now authorized by law, the same to be entered on the grand duplicate of said county, and collected as other taxes.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed May 12, 1879.

[House Bill No. 966.]

AN ACT

To authorize the commissioners of Butler county, Ohio, to repair and grade Fort hill.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Butler county, Ohio, be and they are hereby authorized to cause to be cut down and graded Fort hill, at the point where the old Lebanon and Oxford state road crosses the hill, in Wayne township, in such manner as to improve said road and make the assent and descent both safe and easy: provided that said road improvement shall not exceed in cost eighteen hundred dollars.

SEC. 2. The county commissioners of Butler county are hereby authorized to draw from the bridge fund of the county, a sum not exceeding eighteen hundred dollars, for the payment of said improvement.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed May 12, 1879.

[House Bill No. 958.]

AN ACT

To authorize the board of education of the city of Hamilton to transfer books to public library.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of any city having a population of eleven thousand and eighty-one at the last federal census, in which there may be maintained a public library belonging to the schools of said city, and in which there is a free public library, may transfer and assign, and are hereby authorized, whenever they may deem it best so to do, to transfer and assign to the general public library in said city all the books and papers belonging to said school library; and when so transferred and assigned, the trustee of the free public library shall have exclusive power and control over the same: provided that if at any time, the library to which such transfer is made shall cease to exist, or existing cease to be a free public library, the books and papers so transfered shall revert to the custody of the board of education of such city.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed May 12, 1879.

[House Bill No. 865.]

AN ACT

To authorize the trustees of Findlay township, Hancock county, to levy a tax to mecadamize and improve the roads and highways in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of Findlay township, in Hancock county, be and they are hereby authorized to assess and levy upon the taxable property of said township a tax not exceeding three mills upon the dollar, in addition to the amount of tax now authorized by law, for each year, for the years 1879, 1880, 1881, 1882, and 1883, for the purpose of mecadamizing and improving the roads and highways in said township, and for no other purpose.

SEC. 2. Said tax so hereby authorized to be assessed and levied shall be collected as other taxes upon the grand duplicate of the county, and shall be paid in money, and shall be a township road fund under the exclusive supervision, control, and application of the trustees of said township, and to be by them applied in macadamizing and improving the roads in said township as contemplated in section one of this act: provided, that before said trustees shall be authorized to levy any of said tax they shall first submit the question of levying the same to the qualified voters of said township at a special or general election, by giving at least ten days' notice thereof by posting in ten of the most public places in said township written or printed notices. The tickets to be voted at said election shall have written or printed thereon the words, "Road improvement—Yes," or, "Road improvement—No;" and if a majority of said tickets voted be in favor of said road improvement, then the said trustees may levy said tax as provided in section one of this act.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 13, 1879.

[House Bill No. 1014.]

AN ACT

To authorize the transfer of certain funds therein named, now in the village treasury of Loveland, Clermont county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Loveland, in Clermont county, Ohio, be and are hereby authorized to permanently transfer one hundred dollars now in the village treasury, belonging to the fire department fund, to the general fund of said village.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 13, 1879.

[House Bill No. 1004.]

AN ACT

To authorize the commissioners of Champaign county, to make repairs, alterations, and additions to the court-house in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Champaign county, Ohio, are hereby authorized to make such repairs, alterations, and additions to the court-house in said county as they shall deem necessary and proper, at a cost not exceeding fifteen thousand dollars; and for that purpose they are authorized to expend any fund in the county treasury of said county belonging to the building fund.

SEC. 2. This act shall be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 13, 1879.

[Senate Bill No. 351.]

AN ACT

To amend section two of an act to authorize the creation of an additional school subdistrict in Beaver Creek township, Greene county, Ohio, passed March 31, 1879.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of the above entitled act be amended so as to read as follows:

Section 2. The board of education of said township is hereby authorized and required to hold, within ten days from the passage of this act, a

special meeting, and thereat to certify to the county auditor the levy of the sum of seventeen hundred dollars, to be assessed upon all the taxable property of the township (and in default of such meeting and levy, the county auditor is hereby directed to make such assessment), for the purpose of purchasing a site and building a school-house, and furnishing the same, on said above described territory, the site to be chosen by the local directors of the sub-district, and the house to be ready for occupancy on the fifteenth day of September, 1879, and to anticipate the collection of said tax, the board of education of said township is required to borrow said amount of money, or whatever portion thereof is necessary, at a rate of interest not exceeding six per cent. per annum, and issue bonds therefor, payable at such times as will correspond with the collection of said tax, which shall, as far as necessary, be applied to pay the same: provided, that said bonds shall not be sold for less than their par value.

SEC. 2. That said original section two of the above recited act is hereby repealed, and this act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 14, 1879.

[Senate Bill No. 319.]

AN ACT

To authorize the town council of Woodsfield, Monroe county, to issue bonds and levy a tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the purpose of appropriating land, opening and grading streets and alleys and improving the streets of the village of Woodsfield, Monroe county, the town council is hereby authorized to issue and sell the bonds of said village, not exceeding five thousand dollars in amount, and in such denominations as said council may determine, not less than fifty nor more than five hundred dollars each, said bonds to be signed by the mayor, and countersigned by the clerk, payable at such time as the council may determine, not exceeding ten years after date, bearing a rate of interest not exceeding seven per cent. per annum, payable semi-annually: provided, that said bonds shall not be sold for less than their par value.

SEC. 2. That for the purpose of paying said bonds so authorized to be issued by this act, the council of said village is hereby authorized to levy a tax upon all the taxable property of said village, as provided by law, in addition to the amount already allowed by law, to be levied every year during the period said bonds have to run, sufficient in amount each year to redeem that portion of the bonds issued in pursuance of this act that will fall due during said year, and all accrued interest on said bonds.

SEC. 3. The clerk of said corporation is hereby required to keep a registry of said bonds, when issued, in some book which the law now requires him to keep, giving the number, amount, date, rate of interest, when payable, and to whom issued; and shall indorse on the back of each bond the word "registered," and shall witness the same with his official signature.

SEC. 4. That before the issuing of said bonds, the question of issue shall be submitted to the qualified electors of said village, at a general or special election, of which ten days' notice shall be given in one or more newspapers printed in said village, of the amount of said bonds to be issued, and the time and place where said election will be held in said village; and if a majority of the electors voting at said election, on said question, shall vote in favor of said issue of bonds, then, and not otherwise, shall said bonds be issued; and at said election those voting in favor of said issue shall have written or printed on their ballots, "For improvement bonds;" and those voting against said issue shall have written or printed on their ballots, "Against improvement bonds."

SEC. 5. Before said question of issuing said bonds shall be submitted to said electors, the town council shall pass a resolution ordering said question to be submitted to the vote aforesaid: provided, said vote shall be ordered and taken within one year from the passage of this act; otherwise said council shall have no right to issue said bonds.

SEC. 6. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 15, 1879.

[Senate Bill No. 318.]

AN ACT

To authorize the incorporated village of Salem, Columbiana county, Ohio, to levy a tax to improve the streets of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Salem, Columbiana county, be and it is hereby authorized and required to levy and assess a tax, annually, not less than two nor more than four mills upon the dollar in any one year in addition to the amount of tax now authorized by law for said purpose, for the purpose of improving the streets in said village, and to be used for no other purpose: provided, however, that the said council shall first submit the question of said increased taxation for the above named purpose to the qualified electors of said village, at a special election to be ordered to be held by said council, giving fifteen days' notice of said election by publication in all the newspapers published in said village: and provided, further, that at the end of every five years after the passage of this act, the council of said village shall submit the question of the continuance of said increased taxation for the above named purpose to the qualified electors of said village, either at the regular annual election for officers of said village, or at a special election to be by said council ordered to be held for the purpose, as the said council may determine, but in either case fifteen days' notice of such election must be given by publication in all the newspapers published in said village.

SEC. 2. The electors voting at said first named election, and at all subsequent elections held under this act, shall have written or printed npon the ballots, the words "Street improvement—Yes," or "Street improvement—No;" and if two-thirds of all the electors voting at said first

election or any subsequent election held under this act shall vote yes, then said council shall thereupon levy and assess said tax for the purposes aforesaid.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 15, 1879.

[House Bill No. 927.]

AN ACT

To authorize the auditor of Warren county, Ohio, to issue refunding orders on the treasurer of said county in favor of certain tax-payers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of the county of Warren, Ohio, shall issue refunding orders to the treasurer of said county in favor of such person or persons, on demand, as shall have paid all or any of the first installment or levy of extra tax levied by order of the commissioners of said county, made by them on the 25th day of March, A. D. 1876, for the use of the Tilton and Crane free turnpike in said county.

SEC. 2. That said orders shall issue for the exact pro rata proportion of said fund unexpended, according to the amount paid in by each respectively.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 20, 1879.

[House Bill No. 851.]

AN ACT

To authorize the trustees of fractional township four (4), fractional range one (1), Hamilton county, Ohio, to sell school lands in Preble county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of fractional township four (4), and fractional range one (1) east, appointed by the auditor of Hamilton county, Ohio, under the act of April 17, 1872 (O. L., vol. 69, page 76), to take charge of school lands belonging to said fractional township, are hereby authorized to sell, or to have sold, either at public or private sale, as in their judgment they may deem best, the north-west quarter of section twenty-nine (29), range (2) east, township nine (9), Preble county, Ohio, selected in lieu of section sixteen (16) for said township, upon such terms as they may deem to the best interest of the people of said fractional township: provided, however, that said lands shall have been appraised by three disinterested

freeholders, residents of said township nine, the said appraisers being barred from purchasing said lands either directly or indirectly; the terms of sale shall be made known to said appraisers before such appraisement; the appraisers shall be appointed by the auditor of Preble county, but they shall report the result of their proceedings to the trustees of said fractional township, and the said lands shall bring a sum equal to three-fourths of the appraised value fixed upon by the appraisers.

SEC. 2. The money arising from the sale of such lands shall be paid into the treasury of the county in which the land is situated, and by the county treasurer paid over to the treasurer of state, as provided by law.

SEC. 3. Notice of the proposed sale of said school lands shall be published four consecutive weeks in the papers published at the county seat of Preble county, and either printed or written notices shall be posted up in at least five of the most public places in the township where the said lands are situated; the sale shall be made on the premises if sold at public sale.

SEC. 4. In all matters not provided for in this act, the laws now in force shall apply.

SEC. 5. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 20, 1879.

[House Bill No. 1009.]

AN ACT

To authorize the board of education of Newburg township, Cuyahoga county, Ohio, to issue bonds and levy a tax for the purpose of purchasing sites and erecting school houses thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Newburg township, Cuyahoga county, Ohio, be and they are hereby authorized to borrow money, not to exceed in amount the sum of three thousand five hundred dollars, for the purpose of purchasing sites and erecting two school houses thereon in said township.

SEC. 2. That for the purpose aforesaid said board of education is hereby authorized and empowered to issue bonds, to be signed by the president of said board, and attested by the clerk of said board, in such sums as the board may provide, bearing interest at a rate not to exceed six per cent. per annum, to be paid annually. Said bonds shall he made payable at any time within five years after the issuing thereof, and shall not be sold for less than their par value.

SEC. 3. That the board of education of Newburg township are hereby authorized to levy a tax annually, on all the taxable property, both real and personal, of said township, sufficient to pay said bonds, together with the interest accruing thereon as the same shall become due, which levy

shall be placed on the tax duplicate by the auditor of said Cuyahoga county, and collected as other taxes.

SEC. 4. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 20, 1879.

[House Bill No. 1013.]

AN ACT

To authorize the commissioners of Pike county to build an improved road, and the board of public works to grant certain rights.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of public works are hereby authorized to grant to the commissioners of Pike county the right to make upon the towing path of the Ohio canal, from Waverly in said county, south to the line between Scioto and Pike counties, an improved or graveled road, upon such terms and under such restrictions and regulations as the said board of public works may prescribe.

SEC. 2. When the right to construct said road is granted, it shall be the duty of the commissioners of said Pike county, to proceed to build said road by contract or otherwise, as may seem to them best.

SEC. 3. Said commissioners, for such purpose, are authorized to issue the bonds of said county at a rate of interest not exceeding six per cent. and said bonds to be payable at a time named therein, not more than ten years from the date of issue, said bonds not to be disposed of at less than their par value, and the commissioners are further authorized to levy a tax annually upon the taxable property of said county, sufficient to pay said bonds, with the interest accruing as the same may become due, but all lands which have heretofore been taxed for building turnpikes shall be exempt from such levy.

SEC. 4. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH.
President of the Senate.

Passed May 20, 1879.

[House Bill No. 564.]

AN ACT

To provide for the location, establishment, and construction of a new ditch in part, and for the alteration, changing, straightening, cleaning out, widening, deepening, extending, and otherwise improving certain ditches, drains, and water-courses in the counties of Seneca and Sandusky, in the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Seneca and Sandusky counties, state of

Ohio, shall have power as hereinafter provided whenever in their opinion the same is demanded by, or will be conducive to the public health, convenience, or welfare, or for the drainage of public roads, railroads or lands in said counties to cause to be located, established, constructed, cleaned out, widened, deepened, straightened, altered, changed, extended, or otherwise improved, the following ditches, drains, water-courses, or either of them, or any part or portion thereof, to wit: Commencing about twenty-two (22) rods west of the southeast corner of the north half of the southwest quarter of section fifteen (15), township three (3), range thirteen (13) east of Jackson township, Seneca county, state of Ohio; thence down on or near the present line of what is known as the Jackson eastern ditch, in Seneca county, Ohio, to the J. Sprout ditch, No. 26, Sandusky county, Ohio; thence down on or near the present line of said J. Sprout ditch, No. 26, to the Moses Van Waggoner ditch, No. 73, Sandusky county, Ohio; thence down on or near the present line of said Moses Van Waggoner ditch, No. 73, to the M. Brunner ditch, No. 92, Sandusky county, Ohio; thence down on or near the present line of the M. Brunner ditch, No. 92, to the termination of the same in the bed or channel of a natural water-course called Muskallonge creek; thence down said creek following the general course thereof to the Martin Longanbach ditch, No. 149, Sandusky county, Ohio; thence down on or near the present line of the Martin Longanbach ditch, No. 149, with termination thereof in the bed of said Muskallonge creek; thence down said creek following the general course thereof to the Sandusky river, and there terminating.

SEC. 2. That whenever one or more persons owning lands adjacent to either ditch, ditches, water-course or water-courses, described in section one of this act, shall file with the county auditor of either Seneca or Sandusky county, a petition addressed to the commissioners of said counties, giving a general description of the proposed starting-point, route, and terminus, and setting forth the necessity of such construction, alteration, changing, straightening, cleaning out, widening, deepening, or otherwise improving the same, and shall at the same time file with the county auditor with whom said petition shall be filed, a bond with amount and sureties to the acceptance of such county auditor, conditioned to pay all the costs and expenses incurred in case the commissioners shall refuse to grant the prayer of the petition or shall fail to establish said improvement, it shall be the duty of the county auditor with whom said petition and bond is filed to immediately notify the commissioners of each of said counties of the filing of such petition and bond, and it shall be the duty of such commissioners to meet in joint session as soon thereafter as practicable, at such time and place as they shall agree upon. In all joint sessions of said board of commissioners, two members from each county shall be necessary for a quorum and for the transaction of business, and the county auditor of the county in which the largest portion of said improvement is situate shall act as clerk of the board, and shall make out and forward to the auditor of the other county a duplicate of the record of the proceedings of all joint sessions of the commissioners of said counties; and when so met in joint session they shall appoint an engineer to survey and level the route of said proposed improvement or so much thereof as said commissioners may deem necessary, and also of such alteration or extension of the same as they may direct, and said engineer shall thereupon take to his aid the necessary assistance and proceed to make an accurate survey and level of the route of said proposed improve-

ment, and shall return to each of the county auditors a plat and profile of said proposed improvement, together with a complete report of his survey and levels, which shall set forth a definite description of the proposed improvement, its availability and necessity, with a description of the lots, lands, roads, and railroads, that will be benefited by said improvement, how they will be affected thereby, and the estimated expense of said improvement for each one thousand feet of the same, the depth of excavation and dimensions of said ditch, drain, or water-course, at least every hundred feet, and the number of cubic yards in each section. The profile of the engineer shall show the number of each station and length of section thereof numbered progressively down stream. The surface and a grade line and an intermediate line showing the bottom of said ditches and creeks in their present condition and the depth of excavation from the surface at least every ten sections. The plat of the engineer shall show the route of the ditch, and the lots, lands, roads, and railroads that will be benefited by the construction of the proposed improvement. The report of the engineer shall specify the manner in which the work should be done, the neceseary flood-gates, water-ways, bridges, and farm crossings, together with such other facts and suggestions as he may deem material. Immediately after the filing of the reports of the engineer, the commissioners of the two counties shall agree upon a time and place for hearing said report and petition, and it shall be the duty of the county auditor of each county respectively to cause notice to be given by publication for two (2) consecutive weeks in some one newspaper published and of general circulation in his county of the filing of said petition, and report the pendency and prayer of said petition, and the time set for hearing thereof, which notice shall contain a pertinent description of the termini, direction, or course from its source to its outlet, of such proposed ditch or improvement, and the lots, lands, roads, and railroads through or across which it shall be proposed by said joint board of commissioners to establish or improve the same; and said notice so published shall be deemed sufficient to all parties interested.

SEC. 3. That any person or persons claiming compensation for lands or property appropriated, or who shall sustain any damage by said proposed improvement, shall make his, her, or their application in writing therefor, to the said commissioners, describing the property upon which damages or compensation is claimed, and file the same with the auditor of said county where the land is situated on or before the day set for the hearing of the petition, and on failure to make such application, shall be deemed to have waived all rights to such compensation or damages.

SEC. 4. That, on the day set for the hearing of said petition and report of the engineer, as mentioned in section two (2) of this act, if it appear to said joint board of commissioners that all the parties interested have not been notified as required by this act, or that any requisite preliminary steps have not been taken, they may adjourn to some future time, not exceeding twenty (20) days, and order such notice to be given or such preliminary steps to be taken. But if they find the requirements of the second section of this act have been complied with, and if in their opinion, the public health, convenience and welfare, and the drainage of lands, railroads, and roads demand it, they shall make an order that said improvement be made, which order shall state the kind of improvement, and the width and extent of the same, and the lands which shall be assessed for the expense of the same, and they shall therefor appoint a competent engineer to superintend the performance

and completion of said work, who shall give notice for at least two (2) weeks of the time and place when and where he will let contracts for the performance of the same, which notice shall be given by publication in some newspaper in each of said counties published, and of general circulation in said counties respectively, and by posting one notice in the auditor's office in each of said counties, and not less than ten (10) such notices in public places in the vicinity of said ditch improvement, for at least ten (10) days before said time, and who shall, with the approval of said commissioners, when in joint session, make a contract or contracts for the completion of said work, and the contractor or contractors may at once enter upon the performance of the same, under the superintendence of the engineer so appointed as aforesaid: provided, that said improvement shall be let in sections of not less than one thousand feet, and to the lowest and best bidder or bidders, who shall give bond, payable to the state of Ohio, with such reasonable sureties for the performance of his or their contract, within the time and manner prescribed, as the joint board of commissioners of said counties may deem sufficient.

SEC. 5. The commissioners of said counties, when such improvement shall have been ordered by them, shall immediately, upon actual view of the premises along the route of said ditch improvement, apportion the expense of said improvement, including the costs of compensation for lands apportioned and damages sustained, and all other expenses of this location and establishment of said ditch improvements upon the real property embraced in the order aforesaid, according to the benefit to be derived therefrom. When the apportionment shall have been made, the county auditors of said counties of Seneca and Sandusky shall give notice of the same by publication, in tabular form, in some newspaper published and of general circulation in their respective counties, for two consecutive weeks, and of the time and place when and where the county commissioners of said counties of Seneca and Sandusky will meet to hear exception to the same. On the day named in said notice, the said commissioners shall meet, and if no exceptions shall have been filed to said apportionment, they shall confirm the same; but if exceptions in writing have been filed by any of the owners of lands affected thereby, they shall first proceed to hear such exceptions, and for that purpose shall hear any testimony that shall be offered by any party interested, and either one of said commissioners shall be authorized to administer oaths to witnesses, and upon such hearing they may either confirm said apportionment or change the same, and the final action of the said joint board of commissioners shall be entered upon their records in each of said counties, and shall show how the said expense has been apportioned upon the lands ordered to be assessed as aforesaid. The said joint board of commissioners shall have full authority to determine the manner in which the assessments shall be made, and the amount of the expense of the preliminary survey, costs of location, and establishment and costs of construction which each county shall pay. The county auditor of each of said counties shall assess in such installments the amount of said apportionment to the said several tracts of land, town lots, highways, roads, or railroads within the respective counties, to which the same has been as aforesaid apportioned by said joint board of commissioners, and place the said assessment upon the tax duplicate in each county, and said assessment shall be collected as taxes are now by law collected: provided, that all the costs and expenses of the preliminary survey, proceedings and appor-

tionment of said improvement shall be paid out of the county treasuries respectively as are authorized by the joint board of commissioners.

SEC. 6. That for the purpose of raising the money necessary to meet the expense of said improvement, the commissioners of each of said counties are hereby authorized to issue the bonds of their county, in amounts as determined by said joint board, payable in installments, or at intervals, not exceeding in all the period of five years, bearing interest at a rate not to exceed six per cent. per annum, payable semi-annually, which bonds shall not be sold for less than their par value; and the said assessment shall be divided in such manner as to meet the payments of principal and interest of said bonds, and to be placed upon the tax duplicate against the lands assessed, and be collected in the same manner as other taxes are, and when collected, the money arising therefrom shall be applied to no other purpose than payment of said bonds and interest: provided, that no bonds shall be delivered or money paid to any contractor except upon estimate of work done, as the same progresses or is completed, which estimate shall be made by the engineer of said improvement, and approved by one or more of said county commissioners, as said joint board may direct: and, provided further, that the moneys paid out of either of said county treasuries by authority of this act shall be reimbursed to said county treasuries out of the first levy of taxes authorized by this act.

SEC. 7. For the purpose of keeping said ditch, drain, or water-course free from drift-wood, brush, or other obstructions, the joint board of county commissioners shall be authorized to levy, from time to time, such an amount of tax on the lands so benefited, and heretofore assessed for the said improvement, as in their judgment may be deemed sufficient to keep such water-course in good repair, and said amount so levied shall be applied to the removing of such drift-wood or other obstruction, under and by direction of said commissioners, in such manner as they may deem best, and they shall enter and order upon their journal specifying the amount to be levied for such purpose, and the portion or portions of such ditch, drain, or water-course to be freed, and the same shall be collected and applied according to the previous provisions of this act.

SEC. 8. That the fees of the county auditors, treasurers, commissioners, and probate judges, shall be the same as provided by law for like services in other cases, and shall be paid out of the general fund, and not again reimbursed; the surveyor and engineer shall be allowed five dollars per day for the time actually employed; each chainman, axman, and rodman shall receive one dollar and twenty-five cents per day; the printer's fees for publishing the notice herein provided for shall be at the rate of fifty cents per square for actual printed matter for the first insertion, and twenty-five cents per square for each insertion thereafter, and no more; all cost bills shall be examined and approved by the said joint board before any order shall issue thereon.

SEC. 9. The said joint board of county commissioners may, when such improvement is located and established, as provided in this act, and the same crosses any corporate or public road, or any railroad, if they are of the opinion that the same will be benefited, and the road-bed or traveled track will be made better by the cleaning out, widening, deepening, straightening, and constructing said ditch or ditches, drain or drains, or water-course or courses, apportion and set off, to the county, if a county or state road, to the township, if a township road, to the company, if a corporate or railroad, a part of the costs of constructing said improve-

ment, the same as to private individuals, according to the provisions of this act, and compel them to pay said costs of construction in like manner.

SEC. 10. If application for compensation or damages shall have been made agreeably to the third section of this act, the joint board of commissioners shall fix a day on which they will meet and determine, upon actual view of the premises, the amount of compensation or damages to be paid to such applicant, and also a day when they will make their report. After the report of said commissioners shall have been made, the petitioners may discontinue the said proceedings by paying all costs that have accrued up to that time, and notifying each of the county auditors, in writing, that they will not further prosecute the same. But no proceeding shall be discontinued unless the notice thereof shall be signed by a majority of the petitioners for said ditch.

SEC. 11. That if any person, persons or corporation shall feel aggrieved by the action of said joint board of commissioners, in the assessment of damages or compensation, either or both, he, she or they may, within fifteen days from the making of said report, appeal from the decision of the joint board of commissioners to the probate court of the county in which said land is situated, by giving an undertaking with good and sufficient sureties, to be approved by the auditor of said county, conditioned to pay all costs on such appeal; if the appellants shall fail to sustain their appeal against the decision of said joint board of commissioners, and such undertaking having been given, the auditor shall forthwith certify to the probate court a copy of said appeal, together with a description of the property taken or injured, as contained in the report of said joint board of commissioners, which shall be docketed in said court, styling the appellant, plaintiff, and the joint board of commissioners, defendants.

SEC. 12. If the appeal be taken on account of damages or compensation allowed by the commissioners, such proceedings shall be had to determine the amount, as are required by the act entitled "an act to provide for compensation and damages to the owners of private property appropriated to the use of corporations," passed April 23, 1872, and the acts amendatory thereof and supplementary thereto, and the compensation or damages found in favor of said claimants shall be certified by said probate judge to the county auditor, and paid out of the county treasury from the general fund.

SEC. 13. If said joint ditch improvement shall, at any point, intersect or cross, or run within the boundaries of any state, county, township, or improved road in either of said counties, or on the line between said counties, or at any place where a public road by said joint board of commissioners is deemed necessary, in every such case the timber of all kinds within the bounds of said road shall be cleaned out, and said ditch improvement shall be constructed so that the excavated earth shall be so placed as to make a good road-bed for public travel.

SEC. 14. That all acts and parts of acts, and provisions of law in force, relating to the construction, cleaning out, widening, deepening, or otherwise improving any ditch, drain, or water-course, that are inconsistent, or in any way conflict with the provisions of this act, shall be held to be inoperative and of non-effect in any proceeding had by and under the provisions of this act; but in all matters not provided for in this act, said joint board of county commissioners shall be governed by the general laws in force relating to the construction, locating and estab-

lishing, cleaning out, widening, deepening, or otherwise improving ditches, drains, and water-courses, as they may be applicable to their proceedings.

SEC. 15. That the collection of taxes levied, or ordered to be levied, to pay for the location, establishment, and construction of said improvement, under and by authority of this act, shall not be perpetually enjoined and declared absolutely void in consequence of any error committed by the engineer or surveyor, or by the county auditor of either of said counties, or by said joint board of county commissioners, in the location and establishment thereof, nor by reason of any error or informality appearing in the record of the proceedings by which said improvement may have been located and established; but the court in which any proceedings may hereafter be brought to reverse and declare void the proceedings by which said improvement has been located or established, or to enjoin the tax levied, or to be levied, to pay for the labor and fees aforesaid, shall, if there be manifest error in said proceedings, set the same aside, and allow the plaintiff in the action to come in and show wherein he has been injured thereby. The court shall, upon the application of either party, appoint such person or persons to examine the premises, or survey the same, or both, as may be deemed necessary; and the court shall, on final hearing, make such order in the premises as shall be just and equitable, and may order such tax to remain on the duplicate for collection, or order the same to be levied, or may perpetually enjoin the same, or any part thereof, or if the same shall have been paid under protest, shall order the whole or any such part thereof as may be deemed just and equitable, to be refunded. The cost of such proceedings to be apportioned among the parties, or paid out of the county treasury, as justice may require.

SEC. 16. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 21, 1879.

[House Bill No. 955.]

AN ACT

To authorize the commissioners of Hocking county to appropriate money to construct and maintain a certain bridge.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of the county of Hocking be and they are hereby authorized to appropriate from the bridge fund now in the treasury of said county, or that may hereafter come into the said treasury, a sum not exceeding three thousand dollars, to construct and maintain a bridge across the canal in the incorporated village of Logan, in said county, at a point where Gallagher avenue crosses said canal, leading to the depot of the Columbus and Hocking Valley railroad.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 22, 1879.

[Senate Bill No. 355.]

AN ACT

To divide the township of New Haven, county of Huron, into election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township of New Haven, in Huron county, be divided into precincts for election purposes, as follows: All that part of said township described as follows, to wit., commencing in section three (3), at the north-west corner of lot number one (1), on the west line of said township, thence running south on said west line to the south-west corner of lot number seventy-two (72), thence running east in a straight line to the south-east corner of lot number sixty-nine (69), thence running north in a straight line to the north-east corner of original lot number four (4), to the north line of said township, and thence west on said north line to the place of beginning, shall be known as the Chicago Junction precinct; and the balance of said township shall remain precincts as heretofore designated for election purposes.

SEC. 2. In all elections for state, county, township, and municipal officers, it shall be the duty of the trustees and township clerk to serve as judges and clerk in the precinct in which they reside, and the other judges and clerks for each precinct shall be duly appointed, as the law directs, by the trustees; but in case of failure so to do, the judges and clerks shall be chosen viva voce by the electors of such precinct, in such manner as is provided by law.

SEC. 3. The judges and clerks appointed by the trustees, or otherwise, shall be governed in their election returns, the charge of the ballot boxes, and the receiving of ballots, by the provisions of the election laws in force, and shall receive for their services the same compensation as is allowed judges and clerks of election by law.

SEC. 4. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 23, 1879.

[Senate Bill No. 364.]

AN ACT

To authorize the trustees of Independence township, Cuyahoga county, to borrow money to meet the indebtedness of the poor fund of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the township of Independence, Cuyahoga county, be and they are hereby authorized to borrow money, not to exceed in the aggregate the sum of eight hundred dollars, to meet the indebtedness of the poor fund of said township.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 23, 1879.

[Senate Bill No. 360.]

AN ACT

For the relief of Arcus Rumfield.

WHEREAS, Arcus Rumfield was the duly elected and qualified treasurer of Clear Creek township, Ashland county, Ohio, on the 3d day of March, 1877, and as such treasurer had on deposit in the Citizens' savings bank of Ashland, the sum of six hundred and fifty dollars (and secured by him as such treasurer), belonging to said township, and by the failure of said bank, on said 3d day of March, 1877, the said Arcus Rumfield has been unable to collect from the receiver of said bank the amount of four hundred and fifty-five dollars of the amount above named, and he is not able, without great trouble, to pay said loss of four hundred and fifty-five dollars; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Clear Creek township, Ashland county, Ohio, are hereby authorized to release said Arcus Rumfield and his sureties on his official bond from all liabilities for the payment of said sum of money so as aforesaid deposited with the Citizens' savings bank, of Ashland, Ohio: provided, that before said release shall be made, said Arcus Rumfield shall assign and transfer unto the trustees of said Clear Creek township his certificate of deposit, book account, and entire claim held by him against said bank for said four hundred and fifty-five dollars, the amount so deposited by him; and further, the trustees of said Clear Creek township are hereby authorized and required to submit the question of releasing the said Arcus Rumfield from his liability on his said bond to the qualified electors of said township, at any general or special election of 1879, ten days' previous notice having been given of such submission by said trustees, by posting notices in three public places in different portions of said township; and if a majority of the electors voting at said election shall vote in favor of releasing said Arcus Rumfield on his official bond as treasurer of said township from the payment of said sum of four hundred and fifty-five dollars, then said Arcus Rumfield and his sureties shall not hereafter be held liable to make up said money to said township.

SEC. 2. That the electors of said township voting at said election shall place on their ballots the words "For release," or "Against release," and if two-thirds of all the electors voting at said election shall vote for release, then said Arcus Rumfield and his sureties shall not be liable to make up said money to said township; and the trustees of said township are hereby authorized and required to levy and assess a tax on the taxable property of said township not exceeding the said sum of four hundred and fifty-five dollars, to be applied to the same special fund or funds and for the same purposes that said funds were to have been applied.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 23, 1879.

[Senate Bill No. 371.]

AN ACT

To authorize the town council of the village of Huntsville, in Miami, to issue bonds of said village to supply said village with water.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the town council of the village of Huntsville, in the county of Miami, Ohio, be and is hereby authorized and empowered to issue bonds, not exceeding the sum of two thousand dollars, bearing a rate of interest not exceeding seven per centum, payable semi-annually, and to be of such denomination as said council, by ordinance, shall provide, not less than fifty dollars each, which bonds shall be made payable at such time as said council shall determine, not exceeding fifteen years after date, and shall not be sold for less than their par value; and the money arising from the said bond shall be used and applied in the purchase and putting down water-pipes for the use of said village and the inhabitants thereof.

SEC. 2. Said town council shall have power, after issuing said bonds, to levy a tax on the taxable property of said village, in addition to the rate now authorized by law, in each year during the running of said bonds sufficient to pay the interest, and ultimately to pay the principal of said bonds at maturity; and the money arising from such tax shall be applied by said council to the payment of the interest and principal of said bonds, and for no other purpose.

SEC. 3. This act shall take effect from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 23, 1879.

[House Bill No. 1029.]

AN ACT

To authorize the council of the village of St. Mary's, Ohio, to transfer certain funds mentioned therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of St. Mary's, Ohio, be and are hereby authorized to transfer four hundred dollars from the engine fund to the street fund, and one hundred and fifty dollars from the street lighting fund to the salary fund of said village.

SEC 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH.
President of the Senate.

Passed May 27, 1879.

[House Bill No. 976.]

AN ACT

To authorize the village council of Cleves, Hamilton county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Cleves, Hamilton county, Ohio, are hereby

authorized to transfer, permanently, one hundred dollars ($100) from the prison fund to the general fund of said village.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 27, 1879

[House Bill No. 1028.]

AN ACT

To authorize the boards of education of Concord and Mad River townships, Champaign county, Ohio, to issue bonds and levy a tax on said township to raise money to purchase a site and erect a school-house thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the boards of education of Concord and Mad River townships, Champaign county, Ohio, be and they are hereby authorized to issue their bonds of equal amounts for a sum not exceeding sixteen hundred dollars altogether, for the purpose of purchasing a site and building a school-house in joint sub-district No. one (1) of said township; said bonds to be signed by the president and secretary of said boards of education, and to be issued in denominations of not less than fifty nor more than three hundred dollars, payable within three years, bearing interest at a rate not exceeding six per centum per annum: provided, that if said townships, or either of them, has a surplus of money on hand, for building purposes, it may be used in lieu of bonds to the amount thereof: provided further, that said bonds shall not be sold for less than their par value.

SEC. 2. That for the purpose of paying said bonds and the interest thereon, as the same shall become due, the said boards of education are hereby authorized and empowered to levy a tax on all the taxable property of their respective townships, in equal proportions and in such amounts annually as will be sufficient to pay the principal of such bonds as may fall due in each year, together with the interest on all the unpaid bonds so issued, and the money so raised shall not be used for any other purpose than to pay said bonds and interest.

SEC. 3. The boards of education of said townships shall certify to the county auditor the amount of tax necessary, not exceeding the amount specified in the first section of this act, which shall be entered upon the tax duplicate and collected as other taxes, as provided by law.

SEC. 4. This act shall be in force and take effect from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 27, 1879.

[House Bill No. 971.]

AN ACT

To authorize the trustees of Spencer township, Guernsey county, to transfer certain funds named therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Spencer township, Guernsey county, be and are hereby

authorized to transfer eight hundred dollars from the township fund now in the hands of the treasurer of said township for the purpose of erecting a township hall in the town of Cumberland, in township and county aforesaid.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 27, 1879.

[House Bill No. 978.]

AN ACT

Relating to the improvement of city hall of Xenia, Greene county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of Xenia is hereby authorized to enlarge, remodel, and improve, in such manner as it may deem best suited to the wants of the public, the city hall of said city, at a cost not exceeding ten thousand dollars.

SEC. 2. That the contract for such work shall be let upon plans and specifications provided by said council in accordance with the general laws of the state: provided, a notice shall be published for three consecutive weeks in at least two newspapers published in said city of the time and place of letting such contract, shall be sufficient.

SEC. 3. In order to provide the funds for said improvement, said council is hereby authorized to issue the bonds of said city, of denomination of not less than fifty or more than five hundred dollars, having not more than ten years to run, and bearing at a rate not exceeding six per cent. interest, payable annually; and annually to levy the necessary tax to pay the interest and provide a sinking fund for the redemption of the principal at maturity of such bonds: provided, the aggregate levy for all municipal purposes in said city, including the tax herein authorized, shall not exceed the tax now authorized by law: and provided further, that said bonds shall not be sold for less than their par value.

SEC. 4. No contract shall be let for said improvement, nor debt incurred on account thereof, until the propriety of the same shall have been submitted to the electors of said city during the year 1879, at a special or general election to be held therein, at the usual place of holding elections, and at such time as a majority of all the members elected to the said council may determine by resolution, and shall be published in at least two newspapers in said city, designating the time and proposition to levy; a majority of those voting at said election voting in favor of such levy, it shall be deemed carried. Said election shall be conducted in accordance with the laws regulating elections, so far as applicable, but the returns thereof shall be made to the city clerk within one day after such election, who shall present said returns to the city council of said city at its next regular meeting thereafter, when the same shall be opened and canvassed, and the result declared and entered upon the minutes of the said council. Those avoring such improvement at said election shall have upon their ballots he words "Hall improvement—Yes;" and those opposing the same,

the words "Hall improvement—No." The city clerk shall provide the necessary ballots for the use of electors at said election.

SEC. 5. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 27, 1879.

[House Bill No. 1039.]

AN ACT

To authorize the directors of special school district No. 3, of Woodville township, Sandusky county, Ohio, to transfer certain funds named therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the directors of special school district No. 3, of Woodville township, Sandusky county, Ohio, be and are hereby authorized to transfer twelve hundred dollars surplus tuition funds, now in the hands of the treasurer of said special school district to the building fund of said special school district, for the purpose of paying indebtedness on the school-house of said special school district.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 27, 1879.

[House Bill No. 1006.]

AN ACT

To authorize the council of the village of Bellefontaine (Ohio) to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Bellefontaine be and it is hereby authorized and empowered to transfer permanently ($3,500.00) three thousand five hundred dollars from the "gas fund" of said village to such other funds of said village, and in such proportion to each fund, as said council may by ordinance determine.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 27, 1879.

[House Bill No. 986.]

AN ACT

To authorize the establishing of a children's home in Meigs county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Meigs county are authorized, when in their opinion the public interests of said county demand it, to submit the question of establishing a children's home, and the issue of county bonds to provide funds for the purchase of a site, and the erection thereon of suitable buildings for said home, to the qualified electors of said county, at any regular spring or fall election, to be held at the usual place of holding elections, for ratification or approval, notice of said election to be published at least four weeks in two or more newspapers printed and of general circulation in said county, prior to taking such vote, together with the maximum amount of money proposed to be expended in establishing said home, and if a majority of electors voting on said proposition at such election in said county, are in favor of establishing said home, then the commissioners of said county shall, with a board of trustees hereinafter provided for, purchase a suitable site and erect the necessary buildings, to be styled the children's home of Meigs county, and provide means, by taxation, for such purchase of site and erection of suitable buildings thereon and support of the same, and they are hereby authorized to receive and hold in trust, for the use and benefit of said county home any grant or devise of land, or any donation, or bequest of money, or other personal property that may be made for the establishment or support of said home; the commissioners of said county for this purpose are authorized to issue the bonds of said county in anticipation of the collection of the taxes levied, or to be levied, for the purchase of the necessary site and the erection of the necessary building, or for the purchase of a suitable site and buildings already erected thereon, said bonds to bear interest at a rate not to exceed seven per cent. per annum, and said bonds shall not be sold for less than their par value: provided, that before any taxes shall be levied by said commissioners for the payment of the interest and bonds issued for the purchase of a site and the erection of buildings, or the purchase of a suitable site and buildings already erected thereon, said commissioners shall first set aside at each of their June and December sessions, after the passage of this act, all sums of money in excess of one thousand dollars, after paying all claims on account of the injury or destruction of sheep by dogs, as is provided by act of May 5, 1877 (O. L., vol. 74, p. 177), entitled "an act for the protection of wool-growers and the confiscation of dogs," and said fund shall be used for the payment of the interest and principal of said bonds as the same becomes due, and should the same, from any cause whatever, be insufficient to meet the payment of the interest on the bonds, or either, as the same becomes due, the commissioners are authorized to levy an additional tax upon all the property of the county to pay said interest and bonds without any default whatever, and in case the tax so levied cannot be collected in time to meet the payment of said interest or bonds when due, said commissioners may appropriate any money in the county treasury, belonging to the county, for the payment of the same, and whenever said taxes are collected, a sufficient sum of said taxes shall be applied to reimbursing the proper county fund for all

money paid therefrom on account of the payment of the interest and bonds aforesaid.

SEC. 2. At the first term of the court of common pleas, after the majority of the electors of said county voting on the propositions submitted have voted in favor of the purchase or erection of said home, any judge of the court of common pleas residing in the subdivision of the judicial district in which said home is situated, shall appoint a board of three trustees, who shall hold their offices as follows: One for one year, one for two years, and one for three years, from the first Monday of March next after their appointment; and annually thereafter, during the first term of the court of common pleas held in said county, said judge shall appoint one trustee, who shall hold his office for three years, and until his successor is appointed and qualified.

SEC. 3. The board of trustees shall designate some suitable person, who shall act as superintendent of said home, and who shall also be clerk of said board of trustees, and he shall receive for his services such compensation as the trustees designate at the time of his appointment; and he shall perform all such duties, and give security for the faithful performance of them, as the trustees by by-laws direct; the trustees shall not receive any compensation for their services, and shall have the entire charge and control of said home and the inmates therein; they may appoint a matron, assistant matron, and teachers, whose duties shall be the care of the inmates of said home, to direct their employment, giving suitable physical, mental, and moral training to them; the matron shall have the control, general management and supervision of the household duties of said home, and the matron, assistant matron, and teachers shall each perform such other duties, and receive for their services such compensation as the trustees, by by-laws, from time to time direct, and they may be removed at the pleasure of the trustees, or a majority of them.

SEC. 4. The home shall be an asylum for all persons resident of the county where such home is located, under sixteen years of age (and such other persons under such age from other counties in the state, where no home is located, as the trustees of such home and the party, parties, or authorities having the custody and control of such children, by contract agree upon), who, by reason of abandonment by parents, or orphanage, or neglect, or inability of parents to provide for them, in the opinion of the trustees, are suitable persons for such provision, and they shall be admitted by the superintendent, on the order of a majority of such trustees, accompanied by a statement of facts, signed by them, setting forth the name, age, birthplace, and present condition of the persons named in such order, which statement of facts contained in the order, together with any additional facts connected with the history and condition of said persons, shall be, by the superintendent, recorded in a book provided him for that purpose by the commissioners of such county, which book shall be at all times open for inspection.

SEC. 5. All the inmates who have been neglected or abandoned as aforesaid, or who have been by the parent or guardian voluntarily surrendered to the trustees, shall be under the sole and exclusive guardianship and control of the trustees, during their stay in said home, and until they arrive at the age of sixteen years; and said trustees shall also have power to discharge any of the inmates of said home, and when so discharged, the parent or guardian shall resume power and authority; and the trustees may return any of the inmates of said home to the

parents or guardians of such inmates, when they believe them capable of caring and providing for themselves, or their parents or guardians for them.

SEC. 6. The trustees shall seek and make all due and proper effort to obtain suitable homes for all such children so committed, and indenture or allow them to be adopted: provided, that the person to whom any child is indentured, or by whom any child is adopted, is deemed by the trustees to be, upon careful inquiry and satisfactory evidence, a suitable person; and the superintendent shall enter in a book, to be provided him by the county commissioners, the date when any of the inmates are indentured or adopted, the name and age of such inmate, the name and place of residence of the person to whom indentured, or by whom adopted; and if indentured, a statement of the conditions of such indentures, which book shall be at all times open for inspection to any person interested; and the trustees may, at any time, vacate such indentures when, in their opinion, the welfare of any child demands it.

SEC. 7. The board of trustees shall report, quarterly, to the commissioners of the county the condition of the home, and make an annual report, in writing, of the condition, wants, and operations of the same, including the number of inmates, and if from other counties, the terms upon which they were admitted, and furnish, also, an accurate account of all receipts and expenditures.

SEC. 8. The judge aforesaid shall appoint a committee of visitors for said home, which shall consist of three women, residents of said county, whose term of service shall be as follows: One for one year, one for two years, and one for three years, from and after the first Monday in March next after their appointment, and annually thereafter, said judge aforesaid shall appoint one visitor (a woman), who shall serve as such for three years, and until her successor is appointed and qualified; said visitors to serve without compensation, except necessary traveling expense, which shall be paid out of the county treasury, on the warrant of the county auditor; an itemized account of said expense having first been certified to the auditor by the trustees of said home.

SEC. 9. Said visitors shall have access to said home at all reasonable hours, and are fully authorized to examine into the management of said home and the manner in which the inmates of said home are cared for in every particular, as to their wants, their comforts, their moral and secular training, and any and all other matters pertaining to said home, and are required to report, in writing, to the board of county commissioners at their June and December sessions of each year fully the condition of said home in all matters pertaining to the welfare of the inmates therein, and said board of commissioners shall cause said reports to be immediately thereafter published in the same manner as the county commissioners' annual reports are now published.

SEC. 10. This act shall take effect on and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 27, 1879.

[House Bill No. 1038.]

AN ACT

To authorize the board of education of Clay township, Ottawa county, Ohio, to transfer funds.

WHEREAS, At the January term, A.D. 1877, of the court of common pleas of Ottawa county, Ohio, the board of education of Clay township, Ottawa county, recovered a judgment against the board of education of the village of Genoa for the sum of two thousand dollars in an action therein pending between said parties, being for moneys furnished by the plaintiff to the defendant to be by it used in building a school-house in said district, and which was so used, and which judgment by the terms thereof is to be paid in four equal annual payments, with interest payable annually on all sums unpaid; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Clay township, Ottawa county, Ohio, is hereby authorized to transfer the funds now derived and hereafter to be derived from the above recited judgment, to the school-house and school contingent funds of said Clay township, Ottawa county, Ohio.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 27, 1879.

[House Bill No. 1010.]

AN ACT

To authorize the trustees and board of education of Strongsville township, Cuyahoga county, Ohio, to levy a tax to build a school-house and town hall.

WHEREAS, The qualified electors of Strongsville township, in Cuyahoga county, Ohio, at the annual election held on the first Monday of April, 1877, voted to build a town hall in said township; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of said township of Strongsville, in Cuyahoga county, Ohio, be and they are hereby authorized to levy a tax upon the taxable property of said township, for said purpose, not exceeding two mills on the dollar for the year 1879, which tax shall, when collected, be used for the purpose of purchasing a site and building a town hall and school-house, at or near the center of the township.

SEC. 2. That the board of education of said township of Strongsville, Cuyahoga county, Ohio, are hereby authorized to expend the building fund now on hand, or levied, and to levy a tax not exceeding two mills on the dollar on the taxable property of said township, for the year 1879, which tax when collected shall be expended by the board of education of said township, in connection with the trustees of said township in building a school-house and town hall.

SEC. 3. The township trustees and the board of education of said township of Strongsville, Cuyahoga county, Ohio, shall each certify to the county auditor of said county the amount of tax necessary for such

purpose, not exceeding the amount specified in the first and second sections of this act, which shall be entered upon the duplicate and collected in the same manner that other taxes are collected.

SEC. 4. That said township trustees and said board of education may make a temporary loan in anticipation of the taxes so to be raised, not to exceed the amount thus authorized.

SEC. 5. This act shall take effect and be in force from and after its passage.

JAMES E NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 27, 1879.

[House Bill No. 1040.]

AN ACT

To authorize the board of education of New Holland special school district, Pickaway county, to build a school-house and issue bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of New Holland special school district, in Pickaway county, are authorized to purchase a site and build a school-house thereon and furnish the same at a cost not exceeding seven thousand dollars.

SEC. 2. To provide for the expense of said school-house, the board of education are hereby authorized to issue bonds, signed by the president and countersigned by the clerk of the said board, in sums not less than one hundred dollars each, bearing interest not to exceed six per cent. per annum, payable annually, said bonds to be paid at a date not longer than ten years nor less than two years, as said board may determine: provided, that none of said bonds shall be sold for less than their par value, and the proceeds thereof shall not be applied to any other purpose than as specified in section one of this act.

SEC. 3. The said board of education are hereby authorized to levy a tax, annually, on all the taxable property of said special school district, sufficient to pay said bonds, together with the interest thereon, as they shall fall due, which levy shall be placed on the tax duplicate by the auditor of said county and collected as other taxes.

SEC. 4. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed May 27, 1879.

[House Bill No. 1031.]

AN ACT

To authorize the treasurer of Lorain county to deposit funds of the county in banks of the county during the rebuilding of the court-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the treasurer of Lorain county be and he is hereby authorized to deposit the funds of said county in either or any of the banks of said county

during the rebuilding of the court-house, on the approval of the county commissioners and the bondsmen of the treasurer.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed May 31, 1879.

[House Bill No. 1022.]

AN ACT

To provide for the repair of the steamboat landing and a road or street in the town of California, Anderson township, Hamilton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county are hereby authorized and required to cause to be repaired, at an expense of not to exceed one thousand dollars, to be paid out of the road and bridge fund of said county, the steamboat landing on the Ohio river at said town of California, and to drain the street or road leading through said town from the Cincinnati and New Richmond turnpike to said landing.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed May 31, 1879.

[Senate Bill No. 375.]

AN ACT

To authorize the board of education of the village of New Straitsville, Perry county, to issue bonds to purchase a school-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the village of New Straitsville, of the county of Perry, be and they are hereby authorized to issue the bonds of said district, in an amount not exceeding one thousand dollars, bearing a rate of interest not exceeding seven per cent. per annum, and to dispose of them at not less than their par value, and to use the proceeds thereof in the purchase of additional school rooms for said village, and there shall be a tax levied for the payment thereof, and said bonds shall be payable within five years from the time of their issue.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 3, 1879.

[House Bill No. 987.]

AN ACT

To provide for the more effectual drainage of Hog creek marsh, in Hardin county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of trustees of Liberty, Washington, and Blanchard townships, in Hardin county, or a majority of each of said boards, shall be a joint board and empowered to act as such in draining Hog creek marsh, in said county, and may, at any regular or called session, when the same is damaged by or will be conducive to the public health, convenience, or welfare, cause to be located and constructed, or to be straightened, widened, altered, cleaned out or deepened, any ditch, drain, or water-course which will be conducive to the draining of said marsh, as hereinafter provided.

SEC. 2. Before the joint board shall take any action under this act, a petition for the desired improvement, signed by at least six resident freeholders whose lands will be assessed for the same, shall be filed with township clerk of said Washington township, together with a bond with two or more sureties to the acceptance of said township clerk, conditioned for the payment of all costs in case the petition be not granted or the proceedings be dismissed for any cause.

SEC. 3. Said board may, if they deem it necessary, employ a competent engineer, who shall view the work proposed by the petition, and make the necessary survey, and establish surface and grade lines, together with accurate computations of the same, and file his report thereof with the clerk of said Washington township.

SEC. 4. When the report of the engineer has been filed and accepted by the board, the proposed work, and the letting of the same, shall be advertised in one or more newspapers of general circulation in Hardin county for the period of thirty days, at the expiration of which time the proposed work shall be sold at public sale, at the office of the clerk of said Washington township, to the lowest bidder or bidders, who shall thereupon give good and sufficient bond or bonds, to be approved by the board, for the completion of the proposed work.

SEC. 5. If any application be made for lands taken for, or damages sustained by, the construction of any improvement under this act, such proceedings shall be had for the ascertainment thereof as is or may be required by the law providing for the construction of township ditches. The right of appeal under the provisions of this act shall be the same as provided by law in case of location and construction of township ditches, and the procedure shall be the same in all respects.

SEC. 6. Said board shall cause to be assessed all lands draining into or through said marsh, according to benefits to be derived from the proposed improvement, in sufficient amount to pay all costs of the proposed improvement, and the clerk of said Washington township shall certify the same to the auditor of Hardin county, who shall place the same on the duplicate against the lands assessed as herein provided, which shall be a lien thereon, and collected as other taxes, in such year or years as the board may deem proper.

SEC. 7. Upon the completion of the work, the board shall direct the clerk of said Washington township to issue to the contractor or contractors certificates for the amounts due him or them, which amounts shall be paid by the county treasurer, upon the warrant of the county auditor, when the assessments are collected; and if, at the presentation of any certificates, all the assessments have not been paid, payment

thereon shall be made pro rata. and the compensation of the township clerk, and the trustees, and all others required to perform any service under the provisions of this act, shall be the same as provided by law for like services in other cases, and shall be paid out of the assessments collected as herein provided.

SEC. 8. The compensation of the engineer and his necessary assistants shall be the same as allowed by law in cases of township ditch improvements, and shall be paid in the same manner as the contractors.

SEC. 9. This act shall take effect on its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 5, 1879.

[House Bill No. 1054.]

AN ACT

To authorize the village of McConnelsville to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of McConnelsville, in the county of Morgan, is hereby authorized and empowered to transfer the sum of two hundred dollars from the wharf fund to the street fund of said village.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 5, 1879.

[House Bill No. 938.]

AN ACT

To create two election precincts in the township of Clay, Montgomery county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all the territory included in sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, and eighteen, in the township of Clay, county of Montgomery, shall constitute a separate election precinct in said township, in which the election shall be held in the village of Brookville, and that sections nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, and thirty-six, shall constitute another separate election precinct within said township, in which the election shall be held at Phillipsburg.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 5, 1879.

[House Bill No. 962.]

AN ACT

To create two election precincts in the township of Duchouquet, Auglaize county, state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all the territory included in the following tract, to-wit: commencing at the northeast corner of Duchouquet township, Auglaize county, state of Ohio, thence west six miles, thence south three miles, thence east six miles, thence north three miles to the place of beginning, shall constitute a separate election precinct in said township in which election shall be held in the incorporated village of Criderville, and that the remainder of said township of Duchouquet shall constitute another separate election precinct. The first precinct in this section mentioned shall be known as the Criderville precinct, and the second as Wapakoneta precinct, and all elections held in the latter shall be held in the town of Wapakoneta.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 5, 1879.

[Senate Bill No. 343.]

AN ACT

To authorize the commissioners of Summit county to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Summit county, Ohio, be and they are hereby authorized to transfer permanently the excess of funds collected by tax on dogs to the general county fund: provided, that all claims filed and allowed for damages to sheep, killed or injured, within the current year for which such tax was assessed and collected, shall first be paid.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 5, 1879.

[Senate Bill No. 359.]

AN ACT

To abolish joint sub-district No. 1, in Big Island, and No. 6, in Marion townships, Marion county, Ohio, and to readjust the territory thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That joint sub-school district No. 1, in Big Island, and No. 6, in Marion townships, Marion county, Ohio, be and the same are hereby dissolved.

SEC. 2. The territory of said joint sub school district in Big Island township is hereby transferred to the board of education of said township.

SEC. 3. That sections five (5), six (6), seven (7), of said joint sub-school district, and section eight (8) in Marion township, shall comprise sub-school district No. six (6) in said township; and the north half of section eighteen (18) of said joint sub-school district shall become part of said sub-school district No. five (5) in said township.

SEC. 4. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 5, 1879.

[Senate Bill No. 911.]

AN ACT

To divide Gratis township, Preble county, into two voting precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That Gratis township, Preble county, Ohio, be divided into two voting precincts, as follows: Gratis precinct, to be composed of sections one (1) to eighteen (18), inclusive; and West Elkton precinct, to be composed of sections nineteen (19) to thirty six (36), inclusive.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 5, 1879.

[House Bill No. 999.]

AN ACT

To provide for indexing the land records of Morrow county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of Morrow county may enter into a contract with the recorder of said county, or any competent person, to re-index all the records of deeds in said county, from the beginning of said county to April, A.D. 1877, in the following manner, to wit: The names of grantors and grantees shall be indexed direct and reverse in separate volumes, the christian names arranged in alphabetical order, and the surnames in like manner, such indexes shall contain, after each name indexed, a reference to volume and page of the deed records, together with the number of acres, date of instrument, and giving also the number of the town lot.

SEC. 2. Such indexes, when completed, shall be kept up by the recorder of the county, in the manner above indicated, and it shall not be necessary to keep any other indexes of said records in said county.

SEC. 3. The county auditor of said county may contract with said recorder, or any competent person, for making said records at a rate not

exceeding four cents for each name indexed, which shall be paid by the county treasurer, upon the allowance of the county commissioners, upon the warrant of the county auditor.

SEC. 4. It is hereby made the duty of the recorder of said county, after the completion of said indexes in the manner hereinbefore prescribed, that he carry forward said indexes in the manner aforesaid, and that he shall charge the same fees for such service as is now allowed by law.

SEC. 5. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed June 5, 1879.

[House Bill No. 1055.]

AN ACT

To authorize the trustees of Zane township, Logan county, Ohio, to sell certain real estate and to lease part of new township hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Zane township, Logan county, Ohio, be and they are authorized to sell the real estate now owned by said township and upon which their old township house is situate, upon such terms as such trustees shall deem best, and apply the proceeds thereof toward furnishing the new township house now in course of construction by said township.

SEC. 2. Said trustees are authorized to lease from time to time, so much of said new township house as may not be necessary for the immediate use of said township, and for a term of not exceeding three years at any one time, and upon such terms as they may deem reasonable, and they are required to pay the proceeds thereof forthwith upon the receipt thereof into the the township treasury for the use of said township.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 5, 1879.

[House Bill No. 1053]

AN ACT

To authorize the trustees of Mound Hill cemetery to use a portion of the funds of said cemetery to improve a road leading to the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Mound Hill cemetery, located in Gallia county, Ohio, be and they are hereby authorized and empowered to use five hundred and

sixty dollars ($560) of the cemetery funds now on hand for the purpose of improving the road leading from the city of Gallipolis to said cemetery.

SEC. 2. This act shall take effect and be in force on and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 5, 1879.

[House Bill No. 1056.]

AN ACT

To authorize the commissioners of Pike county to issue bonds for bridge purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Pike county are authorized to issue the bonds of said county not to exceed an amount now authorized by law, for the purpose of erecting a bridge across the Scioto river near Sharonville, in said county, to become due at such times from the date of the issue of the same as may be deemed best, not to exceed four years, and to bear interest at a rate not to exceed six per cent., and not to be disposed of at less than their par value, and said commissioners are authorized to levy a tax at any regular session to pay said bonds and interest accruing on the same as they may become due.

SEC. 2. This act shall take effect on its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 5, 1879.

[House Bill No. 1052.]

AN ACT

To authorize the board of education of the union school district of St. Mary's, Auglaize county, to levy and assess an additional tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the union school district of St. Mary's, Auglaize county, be and they are hereby authorized to levy and assess upon the personal and real property of said district, in addition to the amount now authorized by law, four (4) mills upon the dollar valuation of said property, for the purpose of raising funds for repairing the school building in said district, and furnishing apparatus for the same, such assessments to be made in one or two installments, as said boards of education may determine, but in no event to exceed in the aggregate the sum of four (4) mills.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 5, 1879.

[House Bill No. 995.]

AN ACT

To create two voting precincts in township of Berne, Fairfield county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections one. two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, and thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty three and twenty four, in the township of Berne, in the county of Fairfield, and state of Ohio, be and the same shall constitute a separate election precinct in said township, to be known as Berne township precinct, and that the remaining portion of the territory composing said township shall constitute another separate election precinct within said township, to be known as Sugar Grove precinct.

SEC. 2. This act shall take effect from its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 6, 1879.

[Substitute for House Bill No. 743.]

AN ACT

To authorize the trustees of Clinton township, Seneca county, Ohio, to levy a tax to macadamize and improve the roads and highways in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of Clinton township, Seneca county, Ohio, be and they are hereby authorized, in each year for a term of five years, to levy upon the taxable property of said township, including the city of Tiffin situate therein, a tax not exceeding three mills upon the dollar, in addition to the amount of tax now authorized to be levied, for the purpose of macadamizing and improving the public roads and highways in said township outside of the corporate limits of the said city of Tiffin, and for no other purpose.

SEC. 4. This act shall take effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 6, 1879.

[Substitute for House Bill No. 1025.]

AN ACT

To allow certain village school districts to have boards of school examiners.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education in each village school district containing a village, which at the last federal census had a population of one thousand two hundred and two, be and they are hereby authorized to appoint a board

of school examiners for such village school district, to consist of three members, whose appointment and duties shall be the same as provided for boards of school examiners in city school districts of the second class and village school districts containing not less than twenty-five hundred inhabitants, in section one hundred and one of an act entitled "an act for the reorganization and maintenance of common schools," passed May 1, 1873.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 6, 1879.

[House Bill No. 751.]

AN ACT

To transfer territory for school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That lots thirty one (31), sixty-nine (69), seventy (70), seventy-one (71), seventy-two (72), seventy-three (73), eighty-eight (88), eighty-nine (89), ninety (90), ninety-one (91), and ninety-two (92), in Bath township, Summit county, Ohio, are hereby transferred from joint sub-district No. (8) eight, Northampton township, Summit county, to district No. (10) ten, Bath township, Summit county.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 6, 1879.

[House Bill No. 1016.]

AN ACT

To authorize the commissioners of Hardin county to pay the indebtedness of the agricultural society of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the purpose of paying the indebtedness of Hardin county agricultural society, not exceeding three thousand dollars, the county commissioners of said county are hereby authorized, from year to year, until the same is paid, to apply so much as may be needed for that purpose of any funds that remain from the special assessment upon dogs, under the act for the protection of wool-growers and confiscation of dogs, passed May 5, 1877, after the payment of all claims, as provided for in section 8 of that act, and the one thousand dollars named therein.

SEC. 2. This act shall be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 7, 1879.

[House Bill No. 1061.]

AN ACT

Authorizing the commissioners of Guernsey county to deposit county funds in bank.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the treasurer of Guernsey county be and is hereby authorized to deposit funds of the county in either or any of the banks of said county on the approval of the county commissioners and all bondsmen of said treasurer, during the building of the court-house authorized by a recent act of the 63d general assembly, and that said bondsmen shall not be released from the obligation as such bondsmen on account of such deposit.

SEC. 2. This act shall be in force and take effect from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed June 9, 1879.

[House Bill No. 1048.]

AN ACT

To authorize the incorporated village of Batavia, Ohio, to issue bonds for the purpose of improving town hall, purchasing ground, and building a village prison.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the incorporated village of Batavia, Ohio, be and is hereby authorized and empowered, for the purpose of improving their town hall, and purchasing ground and building a village prison for the use of said corporation, to issue bonds of said village in any sum not exceeding twenty-five hundred dollars, for a length of time not exceeding five years, at a rate of interest not exceeding six per cent. per annum, said bonds to be of the denominations of fifty and one hundred dollars, and payable in one, two, three, four, and five years after the issuing of the same; said bonds shall not be sold for less than their par value, and the proceeds thereof shall be applied to no other purpose than the purposes herein mentioned; that said bonds shall be signed by the mayor of said village, and attested by the clerk of said village, under the seal of said corporation.

SEC. 2. The village council are hereby authorized and required to levy a tax on all the taxable property within the corporate limits of said village, sufficient to pay said bonds and the interest thereon as the same may become due.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 10, 1879.

[House Bill No. 1044.]

AN ACT

Authorizing the county commissioners of Athens county, Ohio, to levy an additional tax for county and poor purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Athens county are authorized to levy a tax in ad-

dition to that now authorized by law, not to exceed two mills on the dollar, on the taxable property of said county, for the years A. D. 1879 and 1880 and 1881, for county and poor purposes.

SEC. 2. This act shall be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 10, 1879.

[House Bill No. 1045.]

AN ACT

To amend an act entitled an act to authorize the council of the incorporated village of Middletown to issue bonds for the purchase of grounds, and the erection and completion of a town hall, engine and hose house, and prison, passed February 4, 1878.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Middletown, Butler county, Ohio, be and the same is hereby authorized to issue the bonds of said village in any sum not exceeding fifteen thousand dollars, bearing interest at the rate of not to exceed six per centum per annum, from date of issue, payable semi-annually, for the purpose of defraying the expenses of purchase of grounds and erection of a town hall, engine and hose house, and prison and sewer, and city park for the use of said village.

SEC. 2. Section one of the above recited act is hereby repealed.

SEC. 3. This act shall take effect on its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 10, 1879.

[House Bill No. 1047.]

AN ACT

To authorize the village of Batavia, Ohio, to transfer certain funds of said incorporated village to the building fund of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town council of the incorporated village of Batavia, Ohio, be and they are hereby authorized to permanently transfer one hundred and fifty dollars of the sanitary fund, and one hundred and fifty dollars of the police fund, and two hundred and fifty dollars of the street opening fund, and one hundred and fifteen dollars of the bridge maintaining fund (all of said funds now in the treasury of said village), to the building fund of said village.

SEC. 2. This act shall be in force and take effect from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 10, 1879.

[House Bill No. 1058.]

AN ACT

To authorize the commissioners of Delaware county to pay the indebtedness of the agricultural society of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the purpose of paying the indebtedness of the Deleware county agricultural society, not exceeding six thousand dollars, the county commissioners of said county are hereby authorized, from year to year, until the same is paid, to apply so much as may be needed for that purpose of any funds that remain from the special assessment upon dogs, under the act for the protection of wool-growers and confiscation of dogs, passed May 5, 1877, after the payment of all claims as provided for in section 8 of that act.

SEC. 2. This act shall be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 11, 1879.

[House Bill No. 857.]

AN ACT

For the relief of Theodore Dickman.

WHEREAS, On the 24th day of April, 1877, the auditor of the state of Ohio, sold to Theodore Dickman the following land in Auglaize county, Ohio, viz: Tract No. 4, described as the north part of the west half of the southwest quarter of section number five (5), township number (6), south of range four (4), east, containing thirteen acres, appraised at $101, one-fourth of which was paid; and,

WHEREAS, Said tract of land was erroneously reported to the auditor of state for sale by the board of public works under the act of April 29th, 1872, and as amended March 1st, 1877; and,

WHEREAS, It appears of "record" that the auditor of state had no right to sell said land; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated, out of any moneys not otherwise appropriated out of the sinking fund, the sum of twenty-six dollars, with interest from April 24, 1877, amounting to three dollars, which is hereby directed to be refunded to said Theodore Dickman.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 11, 1879.

[House Bill No. 879.]

AN ACT

To authorize the commissioners of Champaign county to build a bridge across the Pittsburg, Cincinnati and St. Louis, and the Atlantic and Great Western railroads, in the city of Urbana, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Champaign county be and they are hereby authorized to build a bridge across the tracks and side-tracks of the Pittsburg, Cincinnati and St. Louis, and the Atlantic and Great Western railroads, at such a point in the corporate limits of said city as may be agreed upon between the council thereof and the commissioners of said county, at a cost and expense not exceeding nine thousand dollars; and for the purpose of constructing said bridge said commissioners shall be empowered, annually, during the years 1879, 1880, and 1881, at their June session of each of said years, to levy a tax not exceeding three tenths of a mill on the dollar for the years 1879, 1880, and 1881, in addition to levies for road and bridge purposes now authorized by law to be levied, upon all the taxable property of said county, to be expended under their direction and control in constructing said bridge: provided, that before said commissioners shall proceed to construct said bridge, or to let contracts for the construction of the same, said city of Urbana shall by ordinance bind itself to construct the approaches to said bridge, and to keep and maintain the same in good repair, to pay all costs, damages and expenses incurred by reason of the construction of said bridge, or the approaches thereto, including the changing, widening, or improving of streets made necessary by the same.

SEC. 2. That the said commissioners of Champaign county be and they are hereby authorized to issue the bonds of said county, in anticipation of the collection of taxes hereby authorized to be made, for the purpose of building said bridge, at a rate of interest not exceeding six per cent. per annum, payable semi-annually from the date thereof at the county treasury, and the principal shall be paid at said treasury at such times as said commissioners may prescribe, within three years from the first day of September, 1879: provided, that said bonds shall not be sold for less than their par value.

SEC. 3. That the bonds so issued shall be signed by the commissioners, or any two of them, and countersigned by the county auditor, and shall be issued in sums of not less than one hundred dollars nor more than five hundred dollars, each payable to the bearer at the county treasury, with interest as aforesaid. Such bonds shall specify the object for which they are issued, and the interest accruing thereon shall be paid out of the road and bridge fund of said county.

SEC. 4. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 11, 1879.

[House Bill No. 1062.]

AN ACT

To authorize the county commissioners of Lorain county to advertise for proposals and make contracts to build court-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Lorain county be authorized to advertise for proposals as by law now provided, and make contracts for the materials and building of a court-house in said county as by this act provided.

SEC. 2. The said county commissioners shall receive and consider separate and distinct proposals for furnishing the materials or doing the work, or both, for each separate and distinct trade or kind of mechanical labor necessary in building said court-house, and also proposals for furnishing all the materials or doing all the work, or both, necessary to the erection and completion of such court-house; and if the aggregate of the several separate and distinct proposals constitute the lowest price for performing the work and furnishing the materials for the erection of said court-house, then the contracts shall be awarded to the lowest and best separate bidders therefor; but if the amount bid by any bidders for performing the entire work and furnishing all the materials for the erection and completion of said court-house be less than the aggregate amount of the lowest and best bids in said several separate and distinct proposals, then the contract shall be awarded as a whole to such lowest and best bidder therefor, and a contract be made with him or them, either in severalty or as a whole by said county commissioners, in the same manner and upon the same terms, conditions, and limitations, as to giving bond, with security and otherwise, as are now prescribed by law.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 12, 1879.

[House Bill No. 781.]

AN ACT

Supplementary to the act entitled "an act to incorporate the Defiance female seminary, in the county of Defiance," passed March 23, 1850.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in case of failure to hold an election or elections, as provided in the second section of the act to which this is supplementary, said trustees, or any three stockholders may, at any time after such failure or failures, call a special election for the election of trustees, by publishing in some newspaper of general circulation in said county two consecutive weeks, notice of the time and place of holding such special election, or by serving each stockholder with a written notice of such time or place, or mailing such notice to the address of any stockholder at least ten days before the time appointed for said election; the trustees when so elected shall continue in office for the unexpired term of the three years then elapsing, or for such time as may be provided by the by-laws, and they, as also any trustee

that may be or may have been appointed to fill a vacancy, shall hold his office until his successor is elected and qualified.

SEC. 2. The trustees shall meet soon after their election, and elect one of their number president of their board, who shall hold his office for the term he may have been elected, and until his successor shall be elected and qualified. He shall preside at all meetings of the trustees, also at all meetings of the stockholders.

SEC. 3. The trustees may provide by by-laws for such changes of the time and manner of holding their elections as they may deem advisable.

SEC. 4. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 12, 1879.

[House Bill No. 994.]

AN ACT

For the relief of Charles Shedd.

WHEREAS, Charles Shedd, of Mt. Gilead, Morrow county, Ohio, was in A.D. 1867, appointed one of the trustees of Mt. Gilead cemetery, and thereafter elected by the qualified voters of Mt. Gilead to that position each successive term, closing April, A.D. 1879, and by the board of trustees of said cemetery, selected as treasurer of the cemetery funds, and as such required to secure all of said funds that should come into the cemetery treasury; and there being no safe or proper means for keeping of said funds, he, the said Charles Shedd, deeming it prudent, did deposit for safe keeping, and for said cemetery funds, as he received them, with the old established banking-house of James S. Trimble; and,

WHEREAS, Said James S. Trimble was, on the 25th day of March, A.D. 1878, adjudged a bankrupt on his own petition, having in his possession at that date three hundred and sixty-eight dollars and forty cents ($368.40) belonging to said cemetery funds; and,

WHEREAS, Said cemetery has been for several years self-sustaining, and the aforesaid sum was surplus over expenditures accumulated from the sale of burial lots, and that a petition signed by the mayor, all the members of the town council, and a large number of the citizens of Mt. Gilead, Ohio, praying the general assembly of the state of Ohio for the relief of said Charles Shedd as treasurer of said cemetery funds from payment of the aforesaid sum: provided, said Charles Shedd shall assign to the trustees of said cemetery his claim against said James S. Trimble for money by him deposited to the amount aforesaid; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the town council of Mt. Gilead, Morrow county, Ohio, be and the same are hereby empowered to authorize said cemetery trustees in making settlement with said Charles Shedd to receive said claim in settlement in full for the amount aforesaid.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 12, 1879.

[House Bill No. 1007.]

AN ACT

To authorize the board of education of Blanchard township, Putnam county, to borrow money and issue bonds for a purpose therein named.

WHEREAS, Thomas R. McClure, deceased, late treasurer of Blanchard township, Putnam county, deposited in the Ottawa Exchange bank, in his individual name, the school funds of said township in his hands as treasurer, amounting to $1,786.71, and said money was so on deposit at the time of his death; and,

WHEREAS, The board of education of said township have not been able to collect said money, although they have made diligent effort to do so; and,

WHEREAS, By reason of the above state of facts, ten school teachers are unable to secure pay for their services, and threaten to bring suit against said board of education for the amounts due them respectively; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That to enable said board to pay the amounts due teachers and other indebtedness, they are hereby authorized to issue bonds, not to exceed two thousand dollars in amount, in such sums as they deem advisable, bearing interest not to exceed six per centum, payable semi-annually, which bonds shall be made payable at the Park National bank, in the city of New York, at or within three years from their date: provided, that nothing in this act shall be construed to release the sureties upon the bond of the said Thomas R. McClure, deceased, late treasurer of Blanchard township, Putnam county, from any of their liabilities under the provisions of the said bond.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH.
President of the Senate.

Passed June 12, 1879.

[House Bill No. 1070.]

AN ACT

For the relief of Allan Cremeau.

WHEREAS, There was $152.00 fraudulently obtained from the treasury of German township, Allen county, Ohio, by means of a forged certificate being presented to the clerk of said township; said clerk believing the same to be a true and genuine certificate, issued an order on the treasurer of said German township, and the said treasurer, on the receipt thereof, paid the same out of the school funds of said township, and the said Allan Cremeau being considered liable to the said township of German for said sum of $152.00, by reason of the issuing of said order; and,

WHEREAS, The question was submitted to the electors of German township whether said Allan Cremeau should be relieved from all responsibility for the issuing of said order and the payment of the same, which vote resulted as follows: for relieving said clerk, 129, against relief, 21; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That Allan Cremeau be and is hereby released from all responsibility in consequence and by reason of the issuing said order, and from any claim that said township might have against him for said sum of $152 00, paid by said treasurer on said order, and the county auditor of said county is hereby empowered to give the treasury credit for said amount at the next settlement with the treasurer of said township.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABES. W. FITCH,
President of the Senate.

Passed June 12, 1879.

[House Bill No. 1067.]

AN ACT

To amend section one of an act entitled "an act supplementary to an act to incorporate the Muskingum College," passed March 3, 1863.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above recited act be so amended as to read as follows:

Section 1. That the board of trustees of the Muskingum College shall consist of fifteen members, with power to increase the number to twenty-one.

SEC. 2. Section one of the said act of March 3, 1863, is hereby repealed, and this act shall be in force from its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 12, 1879.

[House Bill No. 993.]

AN ACT

To authorize the trustees of Rockport township, Cuyahoga county, to transfer certain funds therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Rockport township, Cuyahoga county, are hereby authorized to transfer the balance remaining in the treasury of said township belonging to the town hall fund to the general fund of said township.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 12, 1879.

[House Bill No. 1071.]

AN ACT

To authorize the city council of the city of Chillicothe to invest a surplus fund in United States or other securities.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of the city of Chillicothe are hereby authorized to invest the amount now in the treasury of Ross county to the credit of the water works fund of said city in United States securities or the bonds of Ross county, until such time as the same shall be required for the purpose for which it was levied, or for such other purpose as it shall hereafter be lawfully devoted.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 12, 1879.

[House Bill No. 1072.]

AN ACT

For the relief of Charles Koahn.

WHEREAS, On the 20th day April, A.D. 1877, the auditor of the state of Ohio sold to Charles Koahn the following land in Auglaize county, viz.: Tract No. 10, described as the south part of the east half of the southwest quarter of section No. 18, town 6, S., range 4, E., containing twelve acres; also, tract No. 11, described as the S. part of W. half of the S. W. quarter of section 18, town 6, S., range 4, E., containing four acres, appraised at $277.00, one-fourth of which has been paid.

WHEREAS, Said tracts of lands were erroneously reported to the auditor of state for sale by the board of public works, under the act of April 29, 1872, and as amended March 1, 1878; and,

WHEREAS, It appears of record that the auditor of state had no right to sell said land.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated out of any moneys, not otherwise appropriated out of the sinking fund of the state of Ohio, the sum of sixty-nine dollars and twenty-five cents ($69.25), with interest from April 20, 1877, amounting to eight dollars and eighty cents ($8.80), which is hereby directed to be refunded to said Charles Koahn.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 13, 1879.

[Senate Bill No. 376.]

AN ACT

To authorize the council of the village of Milford, Clermont county, Ohio, to procure a jail.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Milford be and are hereby authorized to procure a site and build a jail thereon, or to purchase a building and alter and repair the same for a prison for said village.

SEC. 2. That the council of said village, to pay for the same, may issue the certificates of indebtedness of said village, which shall be signed by the mayor and the clerk, and bear the seal of the village, and bear six per cent. interest per annum from date, and be of such denominations as the council may deem advisable, and in amount shall not exceed five hundred dollars; and two hundred in amount thereof shall be due in one year from date, two hundred dollars in two years from date, and one hundred dollars in three years from the date thereof.

SEC. 3. This act shall take effect from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 13, 1879.

[Senate Bill No. 385.]

AN ACT

To authorize the village of Avondale, Hamilton county, Ohio, to borrow money to build a town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Avondale, in the county of Hamilton, be and it hereby is authorized to borrow money, not exceeding sixteen thousand dollars in amount, for the purpose of erecting a building containing a town hall, and offices for the officers of the corporation; and the council of said village is hereby authorized to issue bonds of the village for the money so borrowed, said bonds to bear interest at a rate not exceeding six per cent. per annum, payable semi-annually; and said bonds shall be of such denominations, and shall mature at such times, as the council shall determine: provided, that such bonds shall not be sold for less than their par value.

SEC. 2. Said council is hereby authorized to levy such amount of tax upon the taxable property of the village as may be necessary to pay the interest and principal of such bonds when the same become due, said tax to be levied and collected in the same manner as taxes for general purposes are levied and collected.

SEC. 3. This act shall be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 13, 1879.

[House Bill No. 1036.]

AN ACT

To authorize the commissioners of Brown county to levy a tax to pay indebtedness of the county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of county commissioners of Brown county be and they are hereby authorized to levy a tax for the years 1879 and 1880, not exceeding one mill on the dollar annually on all the taxable property of said county, in addition to the levy now authorized by law, for the purpose of paying the indebtedness of said county, and to be expended for no other purpose: provided, that said county commissioners shall make the additional levy authorized by this act, at their June sessions in the years 1879 and 1880.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 13, 1879.

[House Bill No. 1078.]

AN ACT

To authorize the town council of the incorporated village of Republic, Seneca county, Ohio, to transfer funds from one fund to another.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the town council of the village of Republic, Seneca county, Ohio, is hereby authorized to transfer six hundred dollars from the corporation fund to the street fund.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 13, 1879.

[Senate Bill No. 389.]

AN ACT

To amend an act entitled an act to create two voting precincts in the township of Clay, Montgomery county, passed June 3, 1879.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all the territory included in sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, and eighteen, in the township of Clay, county of Montgomery, shall constitute a separate election precinct in said township in which the election shall be held in the village of Phillipsburg; and that sections nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine-

thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, and thirty-six shall constitute another separate election precinct within said township, in which the election shall be held at Brookville.

SEC. 2. That the act entitled an act creating two separate election precincts in Clay township, Montgomery county, passed June 3, 1879, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 17, 1879.

[Senate Bill No. 390.]

AN ACT

To enable the board of equalization of Cuyahoga county to employ help for 1879.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of equalization of the city of Cleveland may employ not exceeding four messengers or clerks for the time during which the board shall be legally in session during the year 1879, at an expense not exceeding two dollars per day each, and may also employ legal counsel during the same period, at an expense not exceeding one hundred and fifty dollars; the wages for such help and legal counsel shall be paid out of the county treasury on warrant of the county auditor, upon certificate of the president of such board of equalization that such services have been performed with amount due therefor.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 17, 1879.

[House Bill No. 1073.]

AN ACT

To provide for the maintenance of the children's home in Miami county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in Miami county, all money in excess of one thousand dollars arising from the per capita tax on dogs, which at the close of any fiscal year is found in the county treasury, shall be transferred by the county commissioners to the fund for the support and maintenance of the children's home in said county.

SEC. 2. This act shall take effect on its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 18, 1879.

[House Bill No. 835.]

AN ACT

To create two separate election precincts in Bloom township, Fairfield county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all the territory in sections numbered five, six, seven, eight, seventeen, eighteen, nineteen, twenty, twenty-nine, thirty, thirty-one, thirty-two, and the west half of section four, and the west half of section nine, in said township of Bloom, Fairfield county, be and the same is hereby constituted a separate election precinct in said township, to be known as the Lithopolis precinct; and that the remaining portion of the territory composing said township of Bloom shall constitute another separate election precinct within said Bloom township, to be known as Greencastle precinct.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 18, 1879.

[House Bill No. 972.]

AN ACT

To divide Harrison township, Preble county, Ohio, into two voting precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That Harrison township, Preble county, Ohio, be divided into two voting precincts, by a line running east and west through the center of said township. The territory south of said line shall be known as Lewisburg precinct, and that north of said line shall be known as Sonora precinct. The elections in the respective precincts shall be held at Lewisburg and Sonora.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 20, 1879.

[House Bill No. 1081.]

AN ACT

To pay members of the board of equalization of the city of Mansfield.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the members of the board of equalization of the city of Mansfield are hereby authorized to receive the sum of two dollars and fifty cents per day for services rendered between the fourth Monday of May and the fourth Monday of June, A.D. 1879, to be paid out of the county treasury of Richland county, as is provided in like cases in cities of the third grade of the second class.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 20, 1879.

[House Bill No. 1037.]

AN ACT

For the relief of township and ward assessors and their assistants in Hamilton county, and to fix their compensation.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of Hamilton county is hereby authorized and required, upon being satisfied of the correctness of the accounts of the ward and township assessors and assistant, elected in said county on the sixth day of April, 1878, in addition to the two dollars per day now allowed by law and paid, to issue his warrant upon the county treasurer, in favor of every such assessor and assistant, for an additional sum of fifty cents for each day necessarily engaged in the performance of his duties, and services for the year 1878.

SEC. 2. This act shall be in force and take effect from and after its passage.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 23, 1879.

JOINT RESOLUTIONS.

[House Joint Resolution No. 67.]

JOINT RESOLUTION

As to the printing of seven thousand copies of the second annual report of the Commissioner of the Bureau of Labor Statistics.

Resolved by the General Assembly of the State of Ohio, That there be printed seven thousand copies of the second annual report of the commissioner of the bureau of labor statistics, to be bound in muslin, and distributed as follows: For the general assembly, 5,000 copies; for the use of the commissioner, 1,600 copies, and for the state library, 400 copies, and that additional 1 500 copies of said statistics be printed in the German language, for the use of and to be equally distributed to such members of the general assembly as may desire them.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted January 28, 1879.

[Substitute for House Joint Resolution No. 60.]

JOINT RESOLUTION

As to the correction of adjutant-general's records and rolls in regard to name of Thomas S Hart.

WHEREAS, Thomas S. Hart, of Richland county, Ohio, served as a private soldier during the war of the rebellion. in company "I," 15th regiment, O. V. I., by the name of Thomas Porter, and under the belief that such was his true name; and,

WHEREAS, It was afterwards discovered that such was not his true name, but that his true name was Thomas S. Hart; and,

WHEREAS, He desires the rolls and records of his services to be corrected so as to show his true name; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the adjutant-general of said state cause to be made the proper correction of said name upon said rolls and records in his office, and that he certify the same to the adjutant general of the United States, that the rolls and records in the office of the war department, at Washington, may be correspondingly corrected.

JAMES A. NORTON,
Speaker pro tem of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed January 29, 1879.

[Senate Joint Resolution No 63.]

JOINT RESOLUTION

Providing for a joint convention of the senate and house of representatives to canvass the vote for secretary of state.

Resolved by the General Assembly of the State of Ohio, That the two houses of the general assembly meet in joint convention in the hall of the house of representatives on Friday, January 10 at 3:30 o'clock P.M., for the purpose of counting the vote for secretary of state, in accordance with the third section of article three of the constitution of the state.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted February 12, 1879.

[Senate Joint Resolution No. 62.]

JOINT RESOLUTION

Providing for a committee to wait upon the governor.

Resolved by the General Assembly of the State of Ohio, That a committee of two on part of the senate and three on part of the house, be appointed to wait on the governor and inform him that the general assembly is now in session and ready to receive any communication he may have to transmit

JAMES E NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted February 12, 1879.

[Senate Joint Resolution No. 71.]

JOINT RESOLUTION

Petitioning congress to pass a certain pension bill.

Be it resolved by the General Assembly of the State of Ohio, That the congress of the United States be and is hereby requested to pass the house bill No. 3524, providing for the increase of pensions to thirty-six dollars per month of soldiers who lost an arm or leg in the army of the United States during the war of the rebellion.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted February 13, 1879.

[House Joint Resolution No. 88.]

JOINT RESOLUTION

Requiring clerk of the senate and clerk of the house to furnish certain daily calendars.

Be it resolved by the General Assembly of the State of Ohio, 1st. That it shall be the duty of the clerk of the senate and the clerk of the house of representatives to each keep a daily calendar of all bills of a general nature finally passed by the respective bodies, which, under the joint rules heretofore adopted, should be referred to the committee on consolidated laws, which calendar shall show the number of the bill, the name of its author, and its title.

2d. Said clerks shall furnish the chairman of the committee on consolidated laws with copies of such daily calendars, before the hour of ten A.M. of each succeeding legislative day.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted February 13, 1879.

[Substitute for Senate Joint Resolution No. 64.]

JOINT RESOLUTION

Governing bills prepared by the codifying commission.

Resolved by the General Assembly of the State of Ohio, 1. Upon the introduction and first reading of any bill embodying printed matter prepared by the commission to revise and consolidate the general statutes, the printing thereof shall be dispensed with.

2. Any amendments adopted by the branch of the general assembly in which the bill is introduced, shall be printed in slips, with wide left margins, corresponding in type with that in which the bill is printed, and shall be pasted on the left margin opposite the amended sections; and no other engrossment of the bill shall be required.

3. The foregoing rules shall apply to the branch in which such bill is originally introduced; and when a bill so engrossed is received in the other branch, it may take the same course, so far as applicable, or the ordinary course of bills, as such branch may order.

4. In addition to the standing committee of the two houses, as now constituted, there shall be a joint committee appointed by the presiding officers of the respective houses, of seven members on the part of the senate, and seven members on the part of the house, to be known as the joint committee on consolidated laws, and to which shall be referred all bills introduced from the codifying commission, in the manner provided in the following sections, as well as the parts of the general code heretofore passed, together with copies of all laws of a general nature (to be furnished by the enrolling clerk) passed at the present session, which shall be by said joint committee, in connection with the codifying commission, arranged in their proper place in the code.

5. When, during the session, any part of the codified work heretofore completed or reported at this session by the codifying commission, has been finally passed, instead of being enrolled, it shall, on motion, be re-

considered, on which motion to reconsider there shall be no debate. If said motion prevails, such bills shall, without motion or vote, be referred to the joint committee on consolidated laws; but all laws of a general nature that shall be passed at the present session, and that should be put into the revised statutes, shall, before being deposited in the office of the secretary of state, be copied, which copy shall also be referred to the joint committee on consolidated laws.

6. The powers and duties of said joint committee shall be confined to arranging the laws and numbering the sections, and they shall have no power to change, alter, or amend any of the work so referred to them. After the final passage of the bill prepared by said joint committee, in connection with the codifyne [codifying] commission, it shall be revised and enrolled as other laws under the joint rules now existing of the general assembly.

7. When said joint committee shall have reported such consolidated laws to either house, no other business shall be done in said house after the third reading until completed and passed thereby; and when transmitted to the other branch of the general assembly, they shall, in like manner, after the third reading, receive exclusive consideration until completed and passed.

8. The rules heretofore adopted by either branch of the general assembly, or by both branches, are hereby rescinded in so far as the same are applicable to such bills at the stages herein named, and the joint rules governing bills prepared by the codifying commission are hereby rescinded.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted February 13, 1879.

[House Joint Resolution No. 77]

JOINT RESOLUTION,

Providing for the payment of the claim of Jacob Haynes, former secretary of the board of trustees of the soldiers' and sailors' orphans' home.

WHEREAS, Jacob Haynes, secretary of the board of trustees of the soldiers' and sailors' orphans' home, at Xenia, Ohio, during the period from May 1, 1875, to March 14, 1876, has received no compensation for his services as such secretary, by reason of the repeal of the statute under which the board of trustees then held their offices, before any provision had been made by said board for the payment of his said services; and,

WHEREAS, The present board of trustees has adopted a resolution recognizing that said Jacob Haynes has just and valid claim for two hundred dollars for his said services, being the same rate of compensation which has been paid to other secretaries of said board for like services, and have recommended an appropriation for that purpose; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the trustees of the Ohio soldiers' and sailors' orphans' home are hereby authorized to draw their warrant for the payment of the aforesaid claim of Jacob Haynes, out of any moneys in the state treasury to the credit of the fund

for the payment of the necessary expenses of the trustees of the various benevolent institutions, the sum of two hundred dollars in full payment of said claim.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted February 14, 1879.

[House Joint Resolution No. 94.]

JOINT RESOLUTION,

Granting the government right of way through certain state works.

WHEREAS, Congress has now under consideration a proposition to establish an ice harbor at the mouth of the Muskingum river, at Marietta; and,

WHEREAS, The Muskingum river is now controlled by the state of Ohio as one of its public works for the purpose of navigation; and,

WHEREAS, To facilitate navigation on said river, the state of Ohio has built a dam across said stream, which will interfere with the free use of said stream by the general government for the purpose of said ice harbor without considerable changes in said dam and lock; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the general government are hereby granted the right of way through said state works, and are hereby authorized to enter upon the Muskingum improvements to make such changes in the dam or lock at said point as may be necessary for the construction of said ice harbor: provided, that the right of the state of Ohio and interests of navigation shall not be interfered with.

JAMES E NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted February 28, 1879.

[House Joint Resolution No. 95]

JOINT RESOLUTION,

To request the board of trustees of the Ohio soldiers' and sailors' orphans' home to furnish information therein named.

WHEREAS, The report of the trustees of the soldiers' and sailors' orphans' home, located at Xenia, dated November 15 1878, does not report the number of children in said home from each county, nor the number each county is entitled to have in said home; therefore,

Resolved by the General Assembly of the State of Ohio, That the superintendent of said home be requested to report to this body at an early day the number and names of children in said home from each county, also the number each county is entitled to, designating first such as are children

of soldiers who died in the service, second; such children of soldiers who have died since the war; third, such children of soldiers still living but who are permanently disabled; and, fourth, those who are children of soldiers not enumerated above; and whether any children are in said home who are not children of soldiers and sailors who served in the late civil war, and if so the reason for their admission, and of what counties they were residents at the time of such admission.

Resolved, That hereafter the annual report of said tsustees shall contain all the information desired in these resolutions.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Adopted March 3, 1879.

[House Joint Resolution No. 91.]

JOINT RESOLUTION,

Providing for the treatment and restraint of James King.

WHEREAS, On the 16th day of February, 1878, James King was found in the town of Wooster, Wayne county, Ohio, wandering around bareheaded and barefooted, and poorly clad, laboring under a violent attack of insanity. He was taken by the proper authority to the infirmary, and has been there ever since. His condition is such that he has to be kept in close confinement. We advertised him in the county papers, and made every effort to find where he belongs or where he came from, but failed; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the superintendent of the Cleveland Hospital for the Insane be and he is hereby instructed to receive said James King for treatment and restraint.

JAMES E NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted March 4, 1879.

[Senate Joint Resolution No. 80.]

JOINT RESOLUTION

For the relief of the commissioners of Jefferson county.

WHEREAS, The sheriff of Jefferson county, Ohio, by virtue of a warrant issued by the governor, transferred one Homer Carl, convicted of grand larceny, in the court of common pleas of said county of Jefferson, to the reform school; and,

WHEREAS, The said sheriff, by oversight of the technicalities of the law, did not report with the prisoner to the warden of the penitentiary, thereby depriving the auditor of state of the authority to reimburse

said county for the costs of prosecution and transportation of said prisoner; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the costs of the prosecution and transportation of said Homer Carl be paid as now provided by law in cases of convictions for felony.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted March 7, 1879.

[House Joint Resolution No. 90.]

JOINT RESOLUTION

Authorizing the governor to give deed for certain lots.

WHEREAS, Leander Rawson, acting agent of the board of public works, on the 27th day of August, A.D. 1835, sold to E. and G. W. Adams the following described pieces or parcels of land situate in Muskingum county, Ohio, to wit: Lots numbered two (2), three (3), eight (8), eleven (11), thirteen (13), fifteen (15), and lot marked "A," of Adams Mills, for the sum of three hundred dollars; and,

WHEREAS, The said E. & G. W. Adams have fully complied with the terms of said sale, and are now in possession of said lands under said purchase, and entitled to a proper deed of conveyance therefor; and

WHEREAS, The said E. Adams (now deceased) devised all his right, title, and interest in and to said lands to the said E. W. Adams; now, therefore,

Be it resolved by the General Assembly of the State of Ohio, That the governor of the state be and he is hereby authorized to execute and deliver to the said G. W. Adams, a good and sufficient deed, conveying to the said G. W. Adams, in fee simple, all and singular, the interest of the state in and to the said lots above described: Provided, upon examination by the auditor of state, he shall find that the payments for the same have been completed according to the original contract.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Adopted March 8, 1879.

[Senate Joint Resolution No. 83.]

JOINT RESOLUTION

Authorizing the adjutant-general to employ a guard for state arsenal.

Be it resolved by the General Assembly of the State of Ohio, That in view of the recent and frequent attempts in this city to destroy property by incendiary fires, and the exposed and unprotected condition of our state arsenal, that the adjutant-general of Ohio is hereby authorized and in

structed to employ a guard, to be paid at a rate not exceeding fifty dollars per month, for two months only, for night service.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted March 12, 1879.

[Senate Joint Resolution No. 69.]

JOINT RESOLUTION

Providing for the printing and binding of additional copies of the secretary of state's report, for distribution among the members.

Resolved by the General Assembly of the State of Ohio, That there be printed, and bound in muslin in the usual manner, sixteen thousand copies of the secretary of state's report for the year 1878, for the use of, and to be equally distributed to the members of the present general assembly. To determine what number of such reports a e to be printed in German, it shall be the duty of the secretary of state to ascertain from each member of this general assembly what number of the copies he is entitled to receive, he wishes in the German language. The aggregate number so determined shall be the number authorized to be printed in German, and they shall be distributed accordingly, and in the manner that each member may indicate to the secretary of state: provided, that in the printing of the copies herein provided for, there shall be no charge for composition.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted March 21, 1879.

[House Joint Resolution No. 106.]

JOINT RESOLUTION

Directing the admission of Henry D. Ward to Athens Asylum for Insane.

WHEREAS, Henry D. Ward in December last was found by the marshal of Ironton, Lawrence county, in a destitute and demented condition, and was lodged in the county jail until the 12th of March, 1877, when he was taken before the judge of probate and ajudged [adjudged] insane; it is believed he is a non-resident of the state, but there is no means of determining where he has a legal residence; he can give no satisfactory account of himself; he is now in the county infirmary, and being a young man, and in apparent good health, he should be removed to said asylum for treatment; therefore,

Resolved by the General Assembly of the State of Ohio, That the officers of

the Athens insane asylum, at Athens, be and they are hereby authorized and directed to receive said Henry D. Ward into said institution.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 27, 1879.

JOINT RESOLUTION

Authorizing the governor to execute a deed to John Ford, assignee of William Moore.

WHEREAS, It appears from evidence on file in the office of the auditor of state, that on the 16th day of February, 1836, William Moore, of Darke county, O, entered a tract of canal land, at Piqua, being part and parcel of the land granted to the state by the general government, to aid in the construction of the canals authorized by law, viz, the south-east quarter of the south-west quarter of section 3, township 9, range 3 east, in Darke county, Ohio, but received a certificate from the receiver, and a deed from the governor, dated May 2, 1836, describing his said purchase as the south-west quarter of the south-east quarter of said section, which said last described tract of land was never the property of the state, but had been entered as congress land, by Christian Harshey, June 16, 1832; and

WHEREAS, The said William Moore in good faith entered upon the said south-east quarter of south-west quarter and made improvements, and sold the same; therefore,

Resolved by the General Assembly of the State of Ohio, That the governor of Ohio is hereby directed to make a deed conveying the said south-east quarter of south-west quarter of section 3, township 9, range 3 east, Darke county, Ohio, to John Ford, the legal representative of the said William Moore (now deceased), and the present owner of the land: Provided, however, that the said John Ford shall first make and deliver to the state of Ohio, duly recorded, a quit-claim deed to said second described premises

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed March 27, 1879.

[Substitute for House Joint Resolution No. 103.]

JOINT RESOLUTION

For the relief of Wm. T. Woolery and Andrew Driess.

WHEREAS, William T. Woolere and Andrew Driess, late guards in the Ohio penitentiary, were each crippled and disabled by having one hand drawn into a machine while attending their duties as guards; and

WHEREAS, By reason of such accident they were dropped from the pay-rolls respectively, Wm. T. Woolery for forty-one days, and Andrew Driess twenty-five days; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the directors of the Ohio penitentiary be and they are hereby directed to restore

William T. Woolery on the pay-rolls for the time lost by reason of said disability, viz., forty-one days, and Andrew Driess twenty five days; also provide for payment of physician's bill in each case, not exceeding twenty dollars.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 2, 1879.

[House Joint Resolution No. 80.]

JOINT RESOLUTION

As to a survey of land for ditch between Mercer county reservoir and Cranberry prairie.

Be it resolved by the General Assembly of the State of Ohio, That the chief engineer of the public works be and is hereby directed to proceed without delay to make a survey between the Mercer county reservoir and Cranberry prairie, in the southern part of Mercer county, for the purpose of ascertaining the practicability and probable cost of the construction of a ditch between said reservoir and prairie, with the view of draining said marsh, and affording a full supply of water for said reservoir; and that he report thereon to this general assembly at the earliest day practicable.

Resolved further, That the cost of such survey be paid by the board of public works, from any money applicable to the maintenance and repair of the canals.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed April 3, 1879.

[Senate Joint Resolution No. 67.]

JOINT RESOLUTION

Proposing an amendment to the constitution of Ohio.

Be it resolved by the General Assembly of the State of Ohio (three fifths of all the members elected to each house concurring therein), That a proposition to amend the constitution of the state of Ohio be submitted to the electors of the state, on the second Tuesday of October, A.D. 1879, as follows, to wit: That sections three and five of article four, entitled "judicial," be amended so as to be and read as follows:

SECTION 3. The state shall be divided into nine common pleas districts, of which the county of Hamilton shall constitute one, which districts shall be of compact territory, bounded by county lines, and said districts, other than said county of Hamilton, shall, without division of counties, be further divided into sub divisions, in each of which, and in said county of Hamilton, there shall be elected by the electors thereof, respectively, at least one judge of the court of common pleas for the district, and residing therein. Courts of common pleas shall be held by one or more of these judges in every county of the district, as often as may be provided by law, and more than one court or sitting thereof may be held at the same time in each distict.

SEC. 5. In each district there shall be elected, by the electors at large of such district, one judge of the district court, by whom the district courts in such district shall be held, and he shall receive such compensation as may be provided by law. District courts shall be held in each county at least once every year. The general assembly may increase the number of district court judges to three, in any district or districts, and may provide for having a judge *pro tempore*, to hold any court whenever necessary by reason of the failure, disqualification, absence, or sickness of any judge, and the amount of pay allowed a judge pro tempore may be deducted from the salary of any judge whose default causes the necessity of having the pro tempore judge. The times of holding common pleas and district courts shall be fixed by law, but the general assembly may authorize the judges of said courts, respectively, to fix the times of the holding of said courts.

At said election the voters desiring to vote in favor of this amendment, shall have placed upon their ballots the words, "judicial constitutional amendment, yes;" and the voters who do not favor the adoption of said amendment, may have placed upon their ballots the words, "judicial constitutional amendment, no;" and if a majority of all the votes cast at said election be in favor of said amendment, then said sections three and five herein specified, shall be and constitute the sections so numbered in the said judicial article of the constitution of the state of Ohio: and said original sections three and five shall be repealed.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted April 10, 1879.

[Substitute for House Joint Resolutions Nos. 68, 73, and 84.]

JOINT RESOLUTION.

Be it resolved by the General Assembly of the State of Ohio, three-fifths of all the members elected to each house concurring therein), That propositions to amend the constitution of the state of Ohio be submitted to the electors of the state, on the second Tuesday of October, A.D. 1879, as follows, to wit: That section two of article two; section one, of article three, and section four, of article ten, be so amended as to read as follows:

ARTICLE II.

Section 2. Senators and representatives shall be elected biennially, by the electors in the respective counties or districts, at a time prescribed by law; their terms of office shall commence on the Tuesday next after the first Monday of January thereafter, and continue two years.

ARTICLE III.

Section 1. The executive department shall consist of a governor, lieutenant-governor, secretary of state, auditor, treasurer, and attorney-general, who shall be chosen by the electors of the state, at the places of voting for members of the general assembly, and at a time prescribed by law.

ARTICLE X.

Section 4. Township officers shall be elected on the first Monday of April, annually, by the qualified electors of their respective townships, and shall hold their offices for one year from the Monday next succeeding their election, and until their successors are qualified, except township trustees, who shall be elected by the qualified electors in the several townships of the state, on the first Monday of April, A.D. 1880, one to serve for the term of one year, one for two years, and one for three years; and on the first Monday of April in each year thereafter, one trustee shall be elected, to hold the office for three years from the Monday next succeeding his election, and until his successor is qualified.

FORM OF BALLOT.

At said election the voters in favor of the adoption of the amendment to section two, article two, shall have placed upon their ballots the words, "amendment to section two, article two, of constitution—yes;" and those who do not favor the adoption of said amendment shall have placed upon their ballots the words, "amendment to section two, article two, of constitution—no;" and those who favor the adoption of section one, article three, shall have placed upon their ballots the words, amendment to section one, article three, of constitution—yes;" and those who do not favor the adoption of said amendment shall have placed upon their ballots the words, "amendment to section one, article three, of constitution—no;" and those who favor the adoption of section four, article ten, shall have placed upon their ballots the words, "amendment to section four, article ten, of constitution—yes;" and those who do not favor the adoption of said amendment shall have placed upon their ballots the words, amendment to section four, article ten, of constitution—no."

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Passed April 12, 1879.

[House Joint Resolution No. 113.]

JOINT RESOLUTION

As to numbering the sections of the revised and consolidated laws consecutively.

Be it resolved by the General Assembly of the State of Ohio, That the joint committee on consolidated laws is hereby instructed to number the sections of the revised and consolidated statutes consecutively beginning with number one.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Adopted April 14, 1879.

JOINT RESOLUTION

Requiring the governor to make deed to John Ford for certain lands.

WHEREAS, By a resolution passed at the present session of the General Assembly, the governor was authorized to make to John Ford a deed for the south east quarter of the south-west quarter of section three (3), in township nine (9), of range three (3), east, to correct a deed heretofore made to a person under whom he claims, by the state, for the south-west quarter of the south-east quarter of said section, upon said Ford executing and having recorded, in the office of the recorder of Darke county, Ohio, in which said lands lie, a quit-claim deed to the state for the land described in said first deed of the state, which said Ford has done; and,

WHEREAS, It now appears that said Ford had, before making said quit-claim deed, acquired the title to and was in possession of the west half of the said south-west quarter of south-east quarter of said section by conveyance from parties holding the same from the United States; now, therefore,

Be it resolved by the General Assembly of the State of Ohio, That the governor, in making a deed for said south-east quarter of south-west quarter, shall also quit-claim to said Ford the right of the state to said west half of said south-west quarter of said south-east quarter, acquired under said quit-claim deed of said Ford.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted April 30, 1879.

[Senate Joint Resolution No. 68.]

JOINT RESOLUTION

Allowing per diem to the widow of the late Hon. M. S. Creamer.

WHEREAS, The Hon. M. S. Creamer, late member of the house of representatives was elected to represent the county of Fayette in this general assembly; and,

WHEREAS, He departed this life on the — day of February, 1879, leaving a widow and minor children; and,

WHEREAS, There has been no one elected to fill the vacancy caused by his death

Be it resolved by the General Assembly of the State of Ohio, That the widow be allowed the unpaid "per diem" to the close of the present session, equal to members of the general assembly, and that the speaker of the house of representatives is hereby authorized to draw his warrant in her favor for the same.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed April 30, 1879.

[House Joint Resolution No. 114.]

JOINT RESOLUTION

Authorizing the commissioners of sinking fund to release certain indebtedness.

WHEREAS, It appears by the semi-annual report of the commissioners of the sinking fund to the governor of the state of Ohio, for the fiscal year 1873, pages 5 and 6, that the said commissioners hold two drafts drawn by Mr. Samuel S Rickly, of Columbus, Ohio, on the Nassau bank, of New York, one for $10,000 and the other for $5 000, (payment having been refused by said Nassau bank), secured by six per cent. first mortgage notes to the amount of $16,362.69, and in addition a mortgage of $5,000 on 143¾ acres of land in Orange township, Delaware county, Ohio, furnished the said commissioners by said Samuel S. Rickley; and,

WHEREAS, The said commissioners have received from said mortgage securities the sum of $10,636.92, leaving a balance due of the amount o f said draft of $4,363 08; therefore,

Resolved by the General Assembly of the State of Ohio, That the commissioners of the sinking fund be and they are hereby authorized, upon the payment to them within 90 days after the adoption of this resolution, by the said Samuel S. Rickley, of the sum of $6,000, to cancel said drafts and said indebtedness, and to return the said securities, after canceling and releasing said mortgage, to the said Samuel S. Rickly.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted June 23, 1879.

[House Joint Resolution No. 110.]

JOINT RESOLUTION

Providing for the printing and binding of 600 extra copies of the Adjutant-General's report for the year 1878.

Resolved by the General Assembly of the State of Ohio, That there be printed 600 additional copies of the adjutant general's report for the year 1878, to be bound in cloth and distributed as follows: 250 copies for the use of the adjutant-general, 300 for the use of the general assembly, and 50 to be deposited in the library.

JAMES A. NORTON,
Speaker pro tem. of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted May 2, 1879.

[House Joint Resolution No 98.]

JOINT RESOLUTION

Relating to certain lands in Hamilton county, forfeited to the state.

WHEREAS, The lands of Solomon Eversull, of Hamilton county, being thirty-two acres (32), more or less, situated in the south-west quarter of section twenty-nine, township three, fractional range two, in the Miami purchase, have been forfeited to the state of Ohio for the non-payment of

the taxes and penalties levied thereon for the years 1875, 1876, 1877, and 1878, and which taxes and penalties now amount to the sum of eleven hundred and two dollars and nineteen cents ($1,102.19); and,

WHEREAS, The said thirty-two acres are assessed for taxation at the sum of eight thousand eight hundred and twenty ($8,820) dollars, that the highest cash value of said land so taxed at $8.820 is less than three thousand ($3,000) dollars as shown by judicious sales and otherwise, made of the same within the last year; and,

WHEREAS, The said lands have been twice offered for sale at delinquent sales and once at forfeited sale since the same have became forfeited to the state, and no bidders have offered to take the lands or bid for the same at said sales; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the rights of said Eversull and the public interest require that said forfeiture should be set aside, upon equitable terms, and the state auditor is hereby authorized and empowered to restore to said Eversull his lands so forfeited, upon the payment to the county auditor of said Hamilton county such part of said sum of $1,102.19 as is equitably due to the state for taxes and penalties upon the said actual value of said lands.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Adopted May 12, 1879.

[House Joint Resolution No. 102.]

JOINT RESOLUTION

As to the printing of eighteen thousand copies of the report of state commissioner of common schools.

Resolved by the General Assembly of the State of Ohio, That there be printed in pamphlet form eighteen thousand copies of the report of the state commissioner of common schools, for 1878; and that the supervisor of public printing is hereby directed to have four thousand of the above named eighteen thousand copies bound in cloth.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted May 6, 1879.

[Substitute for House Joint Resolution No 123.]

JOINT RESOLUTION.

Requesting a joint committee to meet the governor and state officers of Indiana. [Senate Joint Resolution No. 94.]

Be it resolved by the General Assembly of the State of Ohio, That a select committee of three on the part of the senate and three on the part of the house, together with the president of the senate and the speaker of the house of representatives are hereby directed to meet a delegation from the state of Indiana, consisting of the governor and other officials of that state in its expected arrival in this city on the 22d inst., and extend to

them the courtesies of the state of Ohio, and ascertain and aid in carrying out their wishes, and entertain and provide for them while here. The committee are directed to invite the delegation to the privileges of the floors of the two houses.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted May 22, 1879.

[Senate Joint Resolution No. 94.]

JOINT RESOLUTION

Allowing the surviving members of the 46th O. V. V. I. to have the temporary use of certain flags.

Be it resolved by the General Assembly of the State of Ohio, That the surviving members of the 46th Ohio veteran volunteer infantry be and they are hereby authorized to have to use at their reunion to be held at Van Wert, Ohio, on the 9th and 10th of September, 1879, the flag of the 30th Louisiana regiment, captured by said 46th regiment, and also all other flags and colors formerly belonging to said 46th regiment. The adjutant-general is directed to deliver said flags to the order of Colonel Isaac N. Alexander, to be used for such purpose and then returned.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted May 23, 1879.

[House Joint Resolution No. 128.]

JOINT RESOLUTION

Requesting the secretary of state to return the enrolled copy of House Bill No. 894.

WHEREAS, An error has been discovered in the enrollment of House Bill No. 894, by Mr. Alexander, "making appropriations for the fiscal year 1879, and the first quarter of the fiscal year 1880, payable out of the asylum fund; therefore,

Resolved by the General Assembly of the State of Ohio, That the secretary of state is hereby directed to return the same to the chairman of the joint committee on enrollment for correction.

JAMES E. NEAL,
Speaker of the House of Representatives.
JAMES W. OWENS,
President pro tem. of the Senate.

Adopted June 9, 1879.

[House Joint Resolution No 89.]

JOINT RESOLUTION

As to draining certain basins in Auglaize county, Ohio.

WHEREAS, By reason of the situation of the Miami canal at the village of New Bremen, Auglaize county, Ohio, there exists in said village two large basins of stagnant water, generating disease to the inhabitants and injuring the neighboring property; and,

WHEREAS, Said basins can be drained by the construction of two culverts under said canal, thereby carrying off the water in the original course to a creek on the west side of the canal; and,

WHEREAS, There was appropriated by the General Assembly, on May 13, 1878, the sum of thirty thousand dollars to be used for the improvement and repairs of the canals, ten thousand dollars of which remains unexpended; therefore,

Resolved by the General Assembly of the State of Ohio, That the board of public works are hereby instructed to build two culverts to drain said basins, at an expense not to exceed twenty-five hundred dollars, to be paid from said unexpended balance. The whole of any remainder of the expense for completing said culverts to be paid by the citizens of the locality.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted June 7, 1879.

[House Joint Resolution No. 124.]

JOINT RESOLUTION

Directing the treasurer to turn over safe in his office to the warden of the Ohio Penitentiary.

WHEREAS, The safe now in use at the Ohio penitentiary is insufficient for the use of same; and,

WHEREAS, There is a safe now in the state treasury which is not used; therefore, be it

Resolved by the General Assembly of the State of Ohio, That the treasurer of state is hereby directed to turn said safe over to the warden of the penitentiary for the use of said institution.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted June 5, 1879.

[House Joint Resolution No. 120.]

JOINT RESOLUTION

Relating to binding the secretary of state's report in muslin.

Be it resolved by the General Assembly of the State of Ohio, That the supervisor of public printing be and is hereby directed to have all the copies of secretary of state's report for 1878 bound in muslin.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted June 5, 1879.

[Senate Joint Resolution No. 95.]

JOINT RESOLUTION

Requesting secretary of state to return Senate Bill No. 300.

WHEREAS, It appears from the journals of the house and senate a mistake was made in engrossing senate bill No. 300, passed March 12, 1879, now on file in the office of the secretary of state, and printed on page 33 of the volume of laws of the present session; therefore, be it

Resolved by the General Assembly of the State of Ohio, That the secretary of state be and he is hereby requested and authorized to return said act to this general assembly for the purpose of having the same correctly enrolled; and the secretary is requested to have changed, if practicable, the print of said act in the annual volume to correspond with the correct enrollment.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted May 24, 1879.

[Senate Joint Resolution No. 82.]

JOINT RESOLUTION

Directing the supervisor of public printing to omit certain reports from the forthcoming volume of executive documents.

Be it resolved by the General Assembly of the State of Ohio, That the supervisor of public printing be and he is hereby directed to omit from the volumes of executive documents to be published, the report of the secretary of state, the report of the commissioner of common schools, and the report of the railroad commissioner.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted June 12, 1879.

[Senate Joint Resolution No. 73.]

JOINT RESOLUTION

Relating to the military record of Gustavus S. Grate.

WHEREAS, Gustavus S. Grate enlisted as a private soldier in company G, 31st regiment O. V. I. during the war of the rebellion, and served therein as such soldier until he was honorably discharged; and,

WHEREAS, By some mistake he is marked on the muster-out roll of said company on file in the office of the adjutant-general of the state of Ohio as a deserter from said company at camp Dick Robinson, in Kentucky, on January 2d, 1862; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the adjutant-general be directed to correct said mistake by a proper entry on said rolls,

canceling the entry of desertion, and that he forward a copy of this resolution to the adjutant-general of the United States for proper correction on the records of the service of said soldier at Washington city.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted June 5, 1879.

[Senate Joint Resolution No. 96.]

JOINT RESOLUTION

Authorizing the secretary of state to return H. B. No. 894 to clerk of house of representatives.

Be it resolved by the General Assembly of the State of Ohio, That H. B. No. 894, now on file in the office of the secretary of state be returned to the clerk of the house of representatives for correct enrollment, and that the secretary of state is hereby authorized to deliver said act to said clerk as soon as possible.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted May 30, 1879.

[Senate Joint Resolution No. 89.]

JOINT RESOLUTION

Providing for the printing of three thousand copies of the fish commissioners' report of 1878.

Be it resolved by the General Assembly of the State of Ohio, That three thousand copies of the report of the fish commissioners of Ohio for 1878 be printed in pamphlet form, five hundred copies for the use of the fish commissioners, and the remainder to be distributed among the members of the general assembly.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted May 31, 1879.

[Substitute for Senate Joint Resolution No. 72.]

JOINT RESOLUTION

As to payment of money for certain purposes to Mrs. Elizabeth Lytle Broadwell, of Mt. Vernon Ladies' Association.

Be it resolved by the General Assembly of the State of Ohio, That the one hundred dollars appropriated by the act passed May 22, A. D 1879, making appropriations for the fiscal year 1879, for the purpose of placing the state coat of arms over door of the room assigned to the state of Ohio in the Mt. Vernon mansion, formerly belonging to general and president

George Washington, and now belonging to the Mt. Vernon ladies' association, be and the same is hereby authorized to be paid to Mrs. Elizabeth Lytle Broadwell, the vice-regent of said association for the state of Ohio, or to her successor, for the purpose in said act named.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted June 14, 1879.

[House Joint Resolution No. 96.]

JOINT RESOLUTION

Authorizing the librarian to extend privileges of state library to officers of U. S. signal station at Columbus, Ohio.

Be it resolved by the General Assembly of the State of Ohio, That the librarian be authorized to extend the privileges of the state library to the chief officer in charge of the U. S. signal service station at Columbus.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted June 18, 1879.

[Senate Joint Resolution No. 92.]

JOINT RESOLUTION

Directing the printing of school laws.

Resolved by the General Assembly of the State of Ohio, That the supervisor of public printing be and is hereby instructed to have printed, and bound in muslin, twenty-five thousand (25,000) copies of the school laws of 1879, with such notes and decisions by the commissioner of common schools as that officer may deem necessary, with a reference to each section of the law so explained by said commissioner. Five thousand (5,000) copies for the use of the commissioner of common schools, and five thousand (5,000) copies to the members of the general assembly, and the remainder to be distributed by the secretary of state to the county auditors of the several counties of the state, in proportion to their population, to be further distributed by said auditors as follows: One copy to the clerk, and one to the treasurer of each township; one copy to the clerk of each school district and sub-district; one copy to each prosecuting attorney and probate judge, and one copy to the clerk of each board of school examiners. The copies distributed through the county auditor to be preserved by their several recipients, and handed over to their respective successors in office.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted June 12, 1879.

[House Joint Resolution No. 133.]

JOINT RESOLUTION

Instructing the board of public works to examine certain lands.

Be it resolved by the General Assembly of the State of Ohio, That the board of public works are hereby authorized and required to examine the lands of James Dun and Mary A. Thurman, in Logan county, adjacent to the Lewistown reservoir, and ascertain the damages, if any, sustained by said lands by the construction of said reservoir, and report the same to the next general assembly; and also the benefits, if any, accruing to the lands of said parties in that county, from the removing of obstructions in the Miami river below said reservoir, and from the construction of the Miami canal.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted June 18, 1879.

[House Joint Resolution No. 121.[

JOINT RESOLUTION

In relation to contract for keeping insane in Lucas county insane asylum.

Resolved by the General Assembly of the State of Ohio, That the attorney-general be and is hereby authorized to contract with the commissioners of Lucas county, for the maintenance and care of a number of incurable insane of the state, not exceeding one hundred and twenty-five, at a rate not exceeding three dollars and fifty cents per week for each insane person: provided, said insane cannot be accommodated in the hospitals for insane under state control; and, provided further, that this contract shall be subject to the future action of the general assembly.

The joint resolution adopted April 25, 1878, relating to the insane kept by Lucas county, is hereby repealed.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted June 20, 1879.

[Sub. for House Joint Resolution No. 136.]

JOINT RESOLUTION.

WHEREAS, The government of the United States owns and controls the real estate known as the "rebel graveyard," on the site of old Camp Chase, which contains twenty-five hundred dead, whose various records, dates, and causes of death are among the archives of the war department; and,

WHEREAS, Said graveyard has been neglected, fences broken down, head boards rotted, so that the graves cannot be identified; therefore,

Resolved by the General Assembly of the State of Ohio, That the Ohio dele-

gation in Congress are requested to take such steps as may be necessary to have the government put said burial place in good repair, and care for the same, and that the governor be requested to forward a copy of this preamble and resolution to our senators and representatives in congress.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted June 21, 1879.

[Senate Joint Resolution No. 93.]

JOINT RESOLUTION

Relating to adjournment.

Resolved by the General Assembly of the State of Ohio, That the general assembly adjourn sine die on Monday, June 23, 1879, at 9 o'clock, A.M.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Passed June 23, 1879.

[House Joint Resolution No. 142]

JOINT RESOLUTION

Directing the Secretary of State to have printed 500 copies of the first and second chapters of title six. (Drainage.)

Resolved by the General Assembly of the State of Ohio, That the secretary of state be and is hereby directed to have printed five hundred copies of the first and second chapters of title six, part two, (drainage) of the revised statutes as soon as possible after the act to revise and consolidate the statutes of Ohio is filed in his office, such printing to be done in advance of the general laws; and the secretary of state shall apportion said copies among the several counties of the state as the public interest may require, and transmit the same to the several county auditors by express without delay.

JAMES E. NEAL,
Speaker of the House of Representatives.
JABEZ W. FITCH,
President of the Senate.

Adopted June 23, 1879.

OFFICE OF THE SECRETARY OF STATE,
COLUMBUS, OHIO, *July* 18, 1879.

I hereby certify that the foregoing General and Local Laws, and Joint Resolutions, are correctly copied from the original rolls on file in this office.

MILTON BARNES,
Secretary of State.

ROSTER OF JUDGES.

SUPREME COURT.

Name.	Office.	Residence.	Term of office.	Term expires.
Hon. Wm. White*	Chief Justice	Springfield	5 years	Feb. 9, 1879.
Hon. W J. Gilmore	Judge	Eaton	"	Feb. 9, 1880.
Hon. Geo. W. McIlvaine	"	New Philadelphia	"	Feb. 9, 1881.
Hon. W. W. Boynton	"	Elyria	"	Feb. 9, 1882.
Hon. Jno. W. Okey	"	Columbus	"	Feb. 9, 1883.
Richard J. Fanning	Clerk	"	3 "	Feb. 6, 1881.
M. A. Fanning	Deputy Clerk	"	"	Feb. 6, 1881.

JUDGES OF THE COURT OF COMMON PLEAS—1878-1879.

District.	Sub-div.	Counties.	Names and post-offices.	Term. Commenced.	Term. Expires.
1		Hamilton	Fayette Smith, Cincinnati	Dec. 2, 1878	Dec. 2, 1883
			Fred. W. Moore, "	Dec. 2, 1878	Dec. 2, 1883
			William L. Avery "	Feb. 12, 1877	Feb. 12, 1882
			Joseph Cox, "	Feb. 12, 1877	Feb. 12, 1882
			Nicholas Longworth, "	Feb. 12, 1877	Feb. 12, 1882
			Robert A. Johnson, "	Nov. 6, 1876	Nov. 6, 1881
			Jacob Burnet, "	Nov. 6, 1876	Nov. 6, 1881
2	1	Butler, Preble, Montgomery, Darke	Alex. F. Hume, Hamilton	Feb. 12, 1877	Feb. 12, 1882
			Henderson Elliott, Dayton	Nov. 6, 1876	Nov. 6, 1881
			David L. Meeker, Greenville*	May 11, 1873	May 13, 1878
2	2	Champaign, Miami	Henry H. Williams, Troy†	Dec. 3, 1877	Dec. 3, 1882
2	3	Warren, Clinton, Greene, Clarke	James M. Smith, Lebanon	Feb. 12, 1877	Feb. 12, 1882
			Azariah W. Doan, Wilmington	April 12, 1875	April 12, 1880
			Moses Barlow, Xenia	Feb. 9, 1874	Feb. 9, 1879
			James S. Goode, Springfield	April 12, 1875	April 12, 1880
			James E. Hawes, Xenia	Feb. 9, 1879	Feb. 9, 1884
3	1	Logan, Union, Hardin	John L. Porter, Marysville	Feb. 12, 1877	Feb. 12, 1882
3	2	Shelby, Auglaize, Allen, Mercer, Van Wert, Putnam	Edward M. Phelps, St. Mary's	May 10, 1874	May 10, 1879
			James McKenzie, Lima	Feb. 9, 1874	Feb. 9, 1879
			Charles M. Huges, Lima	Feb. 9, 1879	Feb. 9, 1884
			John J Moore, Ottawa	May 10, 1879	May 10, 1884
3	3	Paulding, Defiance, Williams, Fulton, Henry	Selwyn N. Owens, Bryan	Feb. 12, 1877	Feb. 12, 1882

* Re-elected October, 1878.

† Elected to fill vacancy caused by death of George D. Burgess.

COMMON PLEAS JUDGES—Continued.

District.	Sub-div.	Counties.	Names and post-offices.	Term. Commenced.	Term. Expires.
3	4	Seneca, Hancock, Wyandot, Crawford, Marion, Wood	Henry H. Dodge, Perrysburgh James Pillars, Tiffin Thomas Beers, Bucyrus	Feb. 1, 1878 May 4, 1873 Feb. 12, 1877	Feb. 1, 1883 May 4, 1878 Feb. 12, 1882
4	1	Lucas, Ottawa, Sandusky, Erie, Huron	Wm. F. Lockwood, Toledo Thomas P. Finefrock Reuben C. Lemmon, Toledo Cooper K. Watson, Sandusky Birdseye W. Rouse, Toledo	Nov. 11, 1878 Oct. 28, 1874 Oct. 24, 1874 Feb. 12, 1877 May —, 1876	Nov. 11, 1883 Oct. 24, 1879 Feb. 9, 1880 Feb. 12, 1882 May —, 1881
4	2	Lorain, Medina, Summit	Newall D. Tibballs, Akron John C. Hale, Elyria	May 1, 1876 Feb. 12, 1877	May 1, 1881 Feb. 12, 1882
4	3	Cuyahoga	Darius Cadwell, Cleveland * Jessie H. McMath, " .. James M. Jones, " .. Edwin T. Hamilton, " .. Gershom M. Barber, " .. Samuel B. Prentiss, " ..	Feb. 9, 1874 Nov. 1, 1875 Nov. 1, 1875 Nov. 1, 1875 Nov. 1, 1875 Feb. 12, 1877	Feb. 9, 1879 Nov. 1, 1880 Nov. 1, 1880 Nov. 1, 1880 Nov. 1, 1880 Feb. 12, 1882
5	1	Clermont, Brown, Adams	Allen T. Cowen, Batavia David Tarbill, Georgetown	Feb. —, 1878 Feb. 12, 1878	Feb. —, 1883 Feb. 12, 1882
5	2	Ross, Highland, Fayette	Thad. A. Minshall, Chillicothe * Samuel F. Steel, Hillsborough	Oct. —, 1876 Feb. 12, 1877	Feb. 12, 1879 Feb. 12, 1882
5	3	Franklin	Ed. F. Bingham, Columbus John L. Green, " ... Eli P. Evans, " ...	May 11, 1878 Feb. 12, 1877 May —, 1878	May 11, 1883 Feb. 12, 1882 May —, 1883
5	4	Pickaway, Madison	S. W. Courtright, Circleville	May 10, 1875	May 10, 1880
6	1	Licking, Knox, Delaware	Samuel M. Hunter, Newark John Adams, Mt. Vernon	Feb. 12, 1877 Feb. 12, 1877	Feb. 12, 1882 Feb. 12, 1882
6	2	Morrow, Richland, Ashland	Moses R. Dickey, Mansfield Thomas J. Kenney, Ashland*	Feb. 12, 1877 Sept. 10, 1874	Feb. 12, 1882 Feb. 10, 1879
6	3	Wayne, Holmes, Coshocton	Chas. C. Parsons, Sr., Wooster C. F. Voorhees, Millersburg	Feb. 12, 1877 Feb. 12, 1878	Feb. 12, 1882 Feb. 12, 1883
7	1	Fairfield, Perry, Hocking	Silas H. Wright, Lancaster	Feb. 12, 1877	Feb. 12, 1882
7	2	Jackson, Vinton, Pike, Scioto, Lawrence	Porter Du Hadway, Jackson J. J. Harper, Portsmouth James Tripp, Jackson C. H	Feb. 9, 1874 Feb. 12, 1877 Feb. 9, 1879	Feb. 9, 1879 Feb. 11, 1882 Feb. 9, 1884
7	3	Gallia, Meigs, Athens, Washington	Samuel S. Knowles, Marietta Jos. P. Bradbury, Pomeroy	Feb. 12, 1878 Feb. 12, 1877	Feb. 12, 1883 Feb. 12, 1882
8	1	Muskingum, Morgan, Noble, Guernsey	William H. Frazier, Caldwell Lucius P. Marsh, Zanesville Wm. H. Ball, " ...	Feb. 12, 1877 Aug. 3, 1874 Aug. 3, 1879	Feb. 12, 1882 Aug. 3, 1879 Aug. 3, 1884
8	2	Belmont, Monroe	William Okey, Woodsfield	Feb. 12, 1877	Feb. 12, 1882

* Re-elected October, 1878.

COMMON PLEAS JUDGES—Continued.

District.	Sub-div.	Counties.	Names and post-offices.	Term.	
				Commenced.	Expires.
8	3	Jefferson Harrison Tuscarawas	J. Patrick, Jr,, N. Philadelphia	Feb. 12, 1877	Feb. 12, 1882
9	1	Stark	Seraphim Meyer, Canton	Feb. 12, 1877	Feb. 12, 1882
9	2	Trumbull Portage Mahoning	Ezra B. Taylor, Warren William T. Spear, Warren	Feb. 12, 1878 Oct. 31, 1878	Feb. 12, 1883 Oct. 31, 1883
9	3	Geauga Lake Ashtabula	Laban S. Sherman, Ashtabula H. B. Woodbury, Jefferson	Feb. 12, 1877 Jan, 25, 1876	Feb. 12, 1882 Jan. 25, 1881
9	4	Carroll Columbiana	Peter A. Laubie, Salem	Nov. 1, 1875	Nov. 1, 1880

TIMES OF HOLDING COURTS IN OHIO 1879.

FIRST DISTRICT.

District Court.

Hamilton, January 6, April 7, October 6.

Common Pleas.

Hamilton, January 6, May 5, October 6.

SECOND DISTRICT.

District Court.

Butler, March 31; Clinton, April 14; Warren, May 12; Champaign, May 5; Montgomery, April 21; Clarke, March 31; Greene, April 7; Darke, April 21; Preble, April 28; Miami, May 19.

Common Pleas.

Butler, January 13, May 19, October 20.
Montgomery, January 6, May 19, October 20.
Darke, January 13, May 12, October 20.
Clinton, January 6, May 12, October 20.
Warren, January 13, June 2, October 27.
Clarke, January 13, May 26, October 20.
Greene, January 13, May 26, October 20.
Champaign, January 13, May 12, October 20.
Miami, February 17, June 2, November 17.
Preble, March 3, June 9, December 1.

THIRD DISTRICT.

District Court.

Allen, April 10; Auglaize, March 31; Crawford, July 10; Defiance, June 18; Fulton, June 24; Hardin, March 25; Hancock, June 13; Henry, June 21; Logan, March 18; Marion, July 15; Mercer, April 1; Paulding, June 16; Putnam, April 3; Seneca, June 10; Shelby, March 28; Union, March 11; Van Wert, April 7; Williams, June 25; Wood, June 28; Wyandot, July 8.

Common Pleas.

Allen, January 6, March 31, September 29.
Auglaize, January 13, April 7, September 8.
Crawford, January 7, April 21, September 9.
Defiance, January 13, May 12, September 29.
Fulton, February 10, June 9, October 27.
Hardin, January 7, April 1, October 7.
Hancock, January 7, April 21, September 9.
Henry, January 27, May 26, October 15.
Logan, February 25, May 13, November 4.
Marion, February 18, June 9, October 28.
Mercer, March 17, May 5, December 1.
Paulding, January 7, May 6, September 23.
Putnam, February 10, April 28, September 8.
Seneca, February 3, May 12, October 8.
Shelby, March 3, May 19, October 6.
Union, February 3, April 21, September 8.

Van Wert, February 17, April 21, November 10.
Williams, February 24, June 18, November 10.
Wood, February 24, June 9, November 4.
Wyandot, January 28, May 19, October 8.

FOURTH DISTRICT.

District Court.

Erie, April 14; Huron, April 4; Lucas, March 17; Sandusky, April 24; Ottawa, April 28; Lorain, March 31; Medina, March 27; Summit, March 17; Cuyahoga, March 17, September 1.

Common Pleas.

Erie, January 27, May 26, October 27.
Huron, February 3, May 26, November 24.
Lucas, January 2, April 28, September 15.
Sandusky, January 6, March 3, October 20.
Ottawa, January 6, May 5, October 6.
Lorain, January 27, May 26, October 27.
Medina, January 6, May 5, September 22.
Summit, January 13, May 12, September 22.
Cuyahoga, January 6, March 3, May 5, September 1, November 3.

FIFTH DISTRICT.

District Court.

Madison, March 25; Fayette, April 28; Clermont, September 16; Franklin, March 29, October 15; Adams, September 2; Highland, September 22; Pickaway, April 21; Brown, September 5; Ross, September 27.

Common Pleas.

Adams, January 7, May 6, September 9.
Clermont, January 28, May 27, October 21.
Brown, January 28, May 27, October 21.
Highland, January 7, May 6, October 21.
Ross, January 7, May 6, October 21.
Fayette, February 11, June 3, November 18.
Franklin, January 13, April 14, September 15.
Madison, January 7, May 6, October 21.
Pickaway, February 4, June 3, November 18.

SIXTH DISTRICT.

District Court.

Delaware, June 30; Knox, July 7; Licking, June 16; Ashland, June 16; Morrow, June 23; Richland, July 7; Coshocton, June 5; Holmes, June 2; Wayne, June 9.

Common Pleas.

Delaware, January 6, April 1, October 13.
Knox, February 17, May 5, November 17.
Licking, January 6, April 8, October 20.
Ashland, March 3, August 18, November 10.
Morrow, February 10, May 5, October 13.
Richland, March 24, September 1, December 1.
Coshocton, February 11, April 22, October 14.
Holmes, January 13, March 31, September 1.
Wayne, February 17, August 18, December 1.

SEVENTH DISTRICT.

District Court.

Washington, April 2; Gallia, April 11; Scioto, April 19; Perry, September 3; Hocking, September 10; Athens, September 15; Meigs, April 7; Lawrence, April 15; Pike, April 28; Fairfield, September 5; Jackson, September 23; Vinton, September 19.

Common Pleas.

Athens, February 10, June 2, November 10.
Fairfield, March 17, June 19, December 1.
Gallia, February 10, May 26, November 3.
Hocking, February 17, May 19, November 10.
Jackson, January 3, May 5, September 29.
Lawrence, February 25, June 3, October 28.
Meigs, January 20, May 5, October 16.
Perry, January 20, April 28, October 27.
Pike, February 24, June 16, November 10
Scioto, January 20, May 5, September 29.
Vinton, February 3, May 26, October 20.
Washington, January 13, May 5, October 15.

EIGHTH DISTRICT.

District Court.

Belmont, April 8; Jefferson, April 15; Harrison, August 27; Tuscarawas, September 1; Guernsey, September 5; Monroe, September 15; Noble, September 19; Morgan, September 24; Muskingum, September 29.

Common Pleas.

Muskingum, January 13, April 28, November 3.
Morgan, March 11, June 10, October 16.
Noble, January 20, May 5, October 20.
Guernsey, February 18, May 27, November 11.
Belmont, February 4, May 20, November 11.
Monroe, January 13, April 28, October 16.
Jefferson, February 24, June 9, December 1.
Tuscarawas, January 27, May 19, November 3.
Harrison, January 6, April 28, October 15.

NINTH DISTRICT.

District Court.

Trumbull, April 3; Portage, April 21; Lake, March 27; Geauga, March 31; Ashtabula, March 17; Mahoning, March 17; Columbiana, April 14; Carroll, April 10; Stark, April 3.

Common Pleas.

Carroll, January 13, May 5, September 15.
Stark, January 13, May 5, October 13.
Columbiana, February 3, May 19, October 13.
Mahoning, January 13, May 5, September 8.
Trumbull, February 10, May 26, October 13.
Portage, January 13, May 5, September 8.
Lake, February 10, May 26, October 13.
Geauga, January 13, May 5, September 15.
Ashtabula, January 13, May 5, September 15.

OFFICE OF THE SECRETARY OF STATE,
COLUMBUS, OHIO, *November* 25, 1878.

I hereby certify that the above is correctly copied from the official lists returned to this office.

[SEAL.]

MILTON BARNES,
Secretary of State.

INDEX TO GENERAL LAWS.

ADJUTANT-GENERAL— PAGE
appropriations for office of 6, 34, 41, 177
appropriations for capitol 6, 41, 177

ADMINISTRATORS. See *Executors and Administrators.*

AGRICULTURAL SOCIETIES—
in certain county (Hamilton) authorize to purchase additional to fair grounds 37

APPROPRIATIONS—
for public institutions (partial) 4
for state officers—salaries, etc 6
for Soldiers' and Sailors' Orphans' Home 20, 62
for deficiences 31, 41
for purchase of tents for Ohio National Guards 34
for support of common schools 61
for interest on public debt and sinking fund 61
for public institutions (general) 99
for state officers—salaries, etc. (general) 104
for miscellaneous purposes 108
for completing Lincoln Memorial Monument 135
for culvert under Ohio Canal, in Pickaway county 158
for lowering culvert near Groveport 164
for heating apparatus at Dayton asylum 165
for adjutant-general's office 176
for support of deaf and dumb at Cincinnati 184
for constructing an embankment near Laramie Reservoir 185
for pay of guard at state arsenal 189

APPROPRIATION OF PROPERTY BY MUNICIPAL CORPORATION—
how jury to return assessment, open and close of case, verdict, etc 79

ASSESSMENTS—
for improvements not to be made, unless two-thirds of council concur 28

ASSESSORS—
act providing for election of, in each ward of a city 55
in counties containing soldiers' monument associations to return list of names of deceased soldiers 112

ASYLUMS. See *Several Asylums.*

ATHENS ASYLUM FOR THE INSANE—
appropriations for 4, 100, 178

ATTACHMENT—
grounds for, in action before justice of the peace 165

ATTORNEY-GENERAL—
appropriations for 7, 105
duties in regard to printing revised statutes 19

AUDITOR OF COUNTY— PAGE
when to deliver abstract of real property to assessors 12
may sell return books and statistics of assessors 17
fees and compensation of 117
AUDITOR OF STATE—
appropriations for 7, 42, 105
when to give notice to county auditors of rates of state levy 77
to furnish books, stationery, etc., to register of military school lands at Mansfield 148
BENEVOLENT INSTITUTIONS. See *Asylums.*
appropriations for trustees of 5, 32, 103
BENEVOLENT SOCIETIES—
certain property of, exempt from seizure or sale 135
BLACKMAILING—
defined, and penalty prescribed 168
BLIND, ASYLUM FOR THE—
appropriations for 5, 31, 101
BOARD OF ALDERMEN—
in cities of the first class, how elected; their terms, etc 39
BOARDS OF EDUCATION—
authorized to appoint library committees in certain cities 50
authorized to establish schools at children's homes and orphan asylums 75
BOARDS OF EQUALIZATION—
in certain cities, their duties and compensation 96
duties of annual county boards defined 169
BOARD OF PUBLIC WORKS—
appropriations for 6, 104
in appointments by chief engineer to have a vote 14
authorized to sell certain lands near Laramie Reservoir 34
may permit Paulding and Antwerp Railroad Company to occupy south bank of Six-Mile Reservoir 80
authorized to lease right of way to Toledo and Grand Rapids Railroad Company 81
of Cincinnati, act reorganizing 89
authorized to enlarge culvert under Ohio Canal, in Pickaway county 158
may grant to commissioners of Pike county berme bank of Ohio Canal for graveled road 162
authorized to lower culvert under Ohio Canal at Groveport 164
supplementary act defining duties 189
BOARD OF STATE CHARITIES—
appropriations for 5, 31, 103
BOUNDARY LINE BETWEEN OHIO AND PENNSYLVANIA—
additional powers given to commissioners to locate monuments 111
BOUNTY AND PENSION CLAIMS—
justice of the peace and notary public to administer and certify oath without compensation 18

PAGE

CANALS—
supplementary act providing for protection of 185–9
act regulating the drawing of water off 189

CAPITOL—
appropriations for 6, 41, 177

CEMETERY ASSOCIATIONS—
authorizing purchase or appropriation of lands 137

CHILDREN'S HOMES—
boards of education authorized to establish schools at 78

CINCINNATI—
act reorganizing board of public works 89

CITIES. See *Municipal Corporations.*

CLERKS OF COURTS—
act regulating fees of 117

CLEVELAND ASYLUM FOR THE INSANE—
appropriations for 4, 100

CODE OF CIVIL PROCEDURE—
act fixing compensation of jurors 109
summons, how served against a corporation, railroad or river transportation company 145
how application for new trial made 99
may be sustained and controverted by depositions 99
proceedings where married woman is a party 3
when sued alone how her separate property charged 3
how service made where partners are sued in firm name 15
when sale of mortgaged premises is ordered, tracts may be subdivided and sold in parcels 27
purchaser of land sold at judicial sale failing to pay for same, may be punished for contempt 27
repealing certain sections of, relating to error 33
how execution against turnpike, plank-road, and bridge company levied 49
how judgment taken for part of plaintiff's claim not put in issue by answer. 78
in suit by teacher against sub-district, service may be made on clerk of sub-district 59

COLLECTOR OF COSTS AND FEES—
for Hamilton county, act creating and prescribing duties 94

COLLEGES—
amendatory act providing for boards of trustees and visitors 87

COLUMBUS ASYLUM FOR THE INSANE—
appropriations for 4, 31, 100, 178

COMMISSIONER OF FISHERIES—
appropriations for 7, 105

COMMISSIONER OF LABOR STATISTICS—
appropriations for 9, 107

COMMISSIONER OF RAILROADS— PAGE
appropriations for 7, 105
COMMISSIONERS TO REVISE AND CONSOLIDATE THE LAWS—
appropriations for 9, 195
act authorizing appointment of, repealed 195
COMMON SCHOOLS—
appropriations for support of 61
CONSTITUTIONAL AMENDMENTS—
act prescribing manner of submission and publication 60
CORONERS—
act regulating fees of 117
CORPORATIONS—
societies for reclamation of men and women, how incorporated 10
free avenue companies, how incorporated 62
summons against, how served 145
COUNTY COMMISSIONERS—
duties as to preparing maps and plats of real estate 12
to advertise for bids for maps, etc., and award contracts 12
duties in case of incorporation or alteration of township 18
in certain county (Highland) may locate and construct turnpikes 43
of certain county (Licking) authorized to repair court-house injured by fire . 51
claims for sheep killed by dogs, when and how to be presented 83
of certain counties authorized to purchase toll roads and convert them into free roads 130
duties as to erection of gates and toll-houses 131
in certain counties to constitute board of turnpike directors 142
of Shelby county, appropriation for bridge at Laramie reservoir payable to order of 185
COUNTY OFFICERS—
act reducing fees of 117
act repealing certain sections of act reducing fees of 179
COUNTY RECORDER—
in certain counties to enter every instrument affecting title to real estate 49
fees for such service 49
to make alphabetical list of deceased soldiers 113
act regulating fees of 117
duty as to re-recording spoliated record 153
COURT OF COMMON PLEAS—
act providing for additional judge in second district 35
powers in case of petition for establishment or vacation of street in hamlet or village 25
act changing time of holding in Hardin and Logan counties 109
return of recognizances in criminal cases may be made to 110
act providing for additional judge in seventh district 116
" " third and tenth districts 133
" " fifth district 144
" " second district 156

COURT OF COMMON PLEAS—Continued— PAGE
of Lucas county to appoint commission to determine boundaries of certain lots. 16
executor, etc., may have action against creditor, distributee, etc. 11

CRIMINAL BAILIFF—
act providing for appointment of in certain counties 5

CRIMINAL PROCEDURE—
counsel assigned to defend prisoner shall not be law partner of prosecuting attorney 56
proceedings when felon escapes and is recaptured after conviction 98
when convict escapes no part of absence counted as part of sentence 98

CRIMES AND OFFENSES—
throwing stones or shooting at railroad train, how punished 11
penalty for unlawfully killing wild deer 19
" hunting certain birds or game on lands of another 23
penalty for compounding a felony 23
unlawful to trap, catch, or kill musk rats, penalty 24
compelling employé to purchase goods from designated person, how punished. 81
unlawful to catch fish except with hook and line, penalty 162
blackmailing defined and penalty prescribed 168
act defining and suppressing tramps 191

DAYTON ASYLUM FOR THE INSANE—
appropriation for 4, 100, 165

DEAF AND DUMB ASYLUM—
appropriation for 4, 31, 101
" support of at Cincinnati 184

DISTRICT COURT—
act changing time of holding in Logan county 25, 168

DOGS—
columns for number of and per capita tax to be provided in tax list and duplicate 85
claims for sheep killed by, how presented 83

EXECUTION—
against turnpike, plank-road, or bridge company, how levied 49
may be levied on toll, right of company 49
certain property of benevolent society exempt from 135

ELECTIONS—
act to preserve purity of (Seits law) 75
for members of congress, separate polls to be provided 136

FEES—
of county officers, act regulating 117
act repealing certain section of foregoing act 179

FISH—
unlawful to catch except with hook and line, penalty 162

FREE BANKING—
amendatory act regulating 72

FREE AVENUE COMPANIES— PAGE
how incorporated, powers, etc 62
GAME—
when unlawful to kill wild deer 19
when lawful to kill quail, partridge, and prairie chicken 19
GENERAL ASSEMBLY—
appropriations for 8, 106, 177
GIRLS' INDUSTRIAL HOME—
appropriations for 5, 31, 102, 178
GOVERNOR—
appropriations for 7, 105
GUIDE-BOARDS—
to be erected at certain cross-roads 137
HOTELS—
keepers of, to provide fire escapes 33
HOUSE OF REPRESENTATIVES—
appropriation for furnishing hall of 9
IMBECILE YOUTH, ASYLUM FOR—
appropriations for 4, 31, 101, 178
INDIANA YEARLY MEETING OF FRIENDS—
certain property of exempt from taxation 184
INN-KEEPERS. See *Hotels*.
INSPECTOR OF MINES—
appropriations for 8, 106
INSURANCE—
how contract of insurance regulated (Howland Law) 26
how wife may insure life of husband 160
policy in such case to inure to her separate use 160
in case wife and children die, policy to become property of insured 161
JONES, THOMAS, SCULPTOR—
appropriation to pay balance for designing Lincoln and Soldiers' Memorial Monument 135
JUDICIARY—
appropriations for 7, 106
JUDICIAL DISTRICTS—
act restricting third district, creating tenth, and defining sub-divisions thereof 133
act sub-dividing fifth district 144
JURORS—
amendatory act fixing compensation of 109
JUSTICE OF THE PEACE—
to administer and certify without pay oaths in claims for bounty or pension .. 18
LANDS—
persons in employ of United States survey may enter upon lands in Ohio 57
damages in such cases, how assessed 58

LANDS—Continued— PAGE
penalty for removing or defacing monument established by United States coast survey 58
extending time for compliance with terms of law, by lease-holders of section sixteen 59
owners of unsurrendered school lands to present titles to register at Mansfield 147
register to prepare abstracts of title and record same 147
certain lands to be re-appraised 148
office of register to be abolished at close of his present term 148
in relation to re-recording spoliated records 152
providing for commission to determine boundaries of certain lands on Miami and Erie canal 163

LARAMIE RESERVOIR—
appropriation for bridge at 185

LAW LIBRARY—
appropriations for 8, 106

LAWS—
act providing for publication of 192

LEGAL ADVERTISING—
to be published in German newspapers in certain counties 64

LEGISLATURE. See *General Assembly.*

LICENSE—
council of municipal corporation may grant to shows, peddlers, etc 167

LINCOLN SOLDIERS' MEMORIAL MONUMENT—
appropriation for designing and executing 135

LONGVIEW ASYLUM FOR THE INSANE—
appropriations for 4, 31, 101

MARRIED WOMAN—
when a party husband must be joined 3
proceedings when sued alone 3
how separate property charged 3
entitled to benefit of exemption laws 3
may insure life of husband for her sole use 160

MIAMI RIVER—
act authorizing removal of obstructions in Logan county 115

MORGAN RAID CLAIMS—
time extended for hearing 160

MUNICIPAL CORPORATIONS—
cities of second grade of second class authorized to levy tax for lighting streets 13
sinking funds of, how invested 14
two-thirds of council must concur in assessments for certain improvements .. 28
mayor of, to compel hotel keepers to provide fire escapes 33
boards of aldermen in certain cities of first class, how elected 39
council of certain city (Cleveland) to submit question of collecting toll on viaduct to vote 40

MUNICIPAL CORPORATIONS—Continued— PAGE
amendatory act providing for improvement of streets in certain cities of first class 46
assessor to be elected in each ward 55
certain city (Cleveland) authorized to levy tax to build armory 55
proceedings and verdict in appropriation cases 79
no charge to be made for water for extinguishing fires, etc 84
certain cities authorized to exchange coupon for registered bonds 86
when improvement necessary, council shall give notice, etc 87
act reorganizing board of public works of Cincinnati 89
amendatory act providing for control of library in Portsmouth 97
assessments in excess of twenty-five per cent. of value of lots, how paid (Cincinnati) 114
in certain cities entire corporation to pay part of cost of improvements 146
act providing for board of examiners of unsafe buildings (Cincinnati) 154
general act authorizing levy for special improvements (Covert Law) 158
certain city (Cleveland) authorized to acquire lands for a park 161
council of, may license shows, peddlers, etc 167
may establish quarantine in certain cases 69
no ordinance for construction of street railroad to be passed without first giving notice 157

NEW TRIAL—
application for, how made 99
how application for supported, or opposed 99
may be sustained or controverted by depositions 99

NOTARY PUBLIC—
to certify oaths in bounty and pension claims without fee 18
act prescribing qualifications for appointment of (Dodd's law) 35

OHIO PENITENTIARY—
appropriations for 5, 32, 102, 178

OHIO SOLDIERS' AND SAILORS' ORPHANS' HOME—
appropriations for 5, 20, 32, 62, 103, 178
trustees authorized to rebuild dining-room 20
act reorganizing 171

OHIO STATE UNIVERSITY—
appropriations for 103

PARTNERSHIP—
how service made when sued in firm name 15
execution in such case to be levied on partnership property 15

PEDDLERS—
councils of municipal corporations may license 167

PENITENTIARY. See *Ohio Penitentiary*.

PLATS—
alteration of by owner of lots not within corporate limits 88
county commissioners to advertise for bids for making 12

POOR AND INFIRMARIES— PAGE
how public relief for pauper obtained 10
directors may order discharge of inmate of county infirmary, when 10
directors of infirmary may drain lands belonging to 20
township trustees in counties where there is no county infirmary may levy additional tax for poor 21
in certain county (Jackson), township trustees may contract for medical relief for poor 170

PROBATE COURT—
deposit of will therein, and proof of same 112
executor, trustee, etc., may have action in common pleas, against creditors, legatees, etc. 113
jurisdiction of, extended to certain counties 22
how service made in proceedings for sale of real estate 110
return of recognizances may be made to either probate court or common pleas 110

PROBATE JUDGE. See *Probate Court.*
act regulating fees of 117

PROSECUTING ATTORNEY—
to enforce act prescribing penalty for compelling employé to purchase goods of designated person 81

PUBLICATION—
of legal advertising in certain counties to be made in German newspapers (Bohl's law) 64

QUARANTINE—
act authorizing establishment of in cities and towns 69

RAILROAD COMPANY—
summons against, how served 145

REFORM SCHOOL FOR BOYS—
appropriations for 5, 101

REGISTER OF VIRGINIA MILITARY SCHOOL LANDS—
owners of unsurrendered school lands may present titles for record 147
register to make abstracts and record same 147
to procure seal and attach same to abstracts 148
his fees 148
stationery and books for, to be furnished by auditor of state 148
office abolished at close of incumbent's term 148

REPRESENATIVES IN CONGRESS—
name not to be on ticket with state or county officer 136
voting-places for, when to be separated from state and county officers 136

REVISED STATUTES—
act providing for printing and distributing 192

ROADS AND HIGHWAYS—
compensation of supervisors of 39
improvemet of by township trustees 71

SALARIES OF STATE OFFICERS— PAGE
appropriations for 9, 107
act reducing 179

SECRETARY OF STATE—
appropriations for 8, 42, 106
to examine and read proof of laws, prepare side-notes, indexes, etc. 132
duties in relation to printing revised statutes 192

SCHOOLS—
treasurer of school district to give bond, its opproval, etc. 16
at time of approval, treasurer to produce funds to board of education 16
boards of education in certain cities may appoint library committees 50
teacher dismissed for frivolous reason may sue sub-district 58
in such suits service may be made upon clerk of sub-district 59
appropriations for support of common schools 61
at children's homes and orphan asylums, how established 75

SHERIFFS—
act regulating fees of 117

SHOWS—
council of municipal corporation may license 167

SINKING FUND—
of municipal corporations, how invested 13
in Cincinnati, preference to be given to bonds of that city 13
of state, appropriation for 61

STATE ARSENAL—
appropriation to pay guard at 189

STATE BOARD OF AGRICULTURE—
appropriations for 6, 104

STATE COMMISSIONER OF COMMON SCHOOLS—
appropriations for 7, 42, 105

STATE LIBRARY—
appropriations for 8, 106

STREET RAILROAD COMPANIES—
grant to, by board of public works of certain city (Cincinnati) confirmed 33
construction of, not to be commenced until council grants permission 156
no ordinance for construction of, to be passed without notice 157

SUPERINTENDENT OF INSURANCE—
appropriations for 7, 106

SUPERVISOR OF PUBLIC PRINTING—
appropriations for 8, 42, 107
to audit accounts for printing and keep account of paper used 132
duties in relation to printing revised statutes 192

SUPERVISORS OF ROADS—
compensation of 39
to give bond to township trustees 57

SUPERVISORS OF ROADS—Continued— PAGE
failing to give bond, office to be vacant ... 57
vacancy in such case, how filled ... 57
duty in case of special improvement of unimproved road ... 71

SUPREME COURT—
appropriations for ... 8, 107

TAXATION—
certain terms in title of that name defined ... 28
rules for listing property for ... 30
amending section providing for listing dogs ... 85

TAXES—
when township trustees to report to county auditor levy for township purposes 21
annual levy for state purposes ... 42
when county auditor to deliver abstracts of real property to assessors ... 12
when state auditor to notify county auditor of rates of state levy ... 77

TOLEDO HOUSE OF REFUGE—
appropriations for ... 5, 102

TOLLS—
rates allowed to be charged by turnpike companies ... 153

TOMLINSON, JOSEPH—
appropriation to pay claim of ... 9

TOWNSHIP CEMETERIES—
how lands appropriated for ... 146

TOWNSHIPS—
amendatory act providing for incorporation of ... 18
alterations of, when to be recorded ... 19
how names given to new ... 19
treasurer and supervisor to give bonds to trustees of ... 57
levy for special improvements to be submitted to vote ... 158

TRAMP—
defined, and punishment prescribed ... 191

TRANSPORTATION COMPANIES—
summons against, how served ... 145

TREASURER OF COUNTY—
to specify in tax receipts the rate in mills and fractions ... 70
fees and compensation of, prescribed ... 117

TREASURER OF STATE—
appropriations for ... 9, 107

TREASURER OF TOWNSHIP—
to give bond to township trustees ... 57
trustees may require additional security ... 57
failing to give security, office may be declared vacant ... 57
vacancy in such case, how filled ... 57
trustees may bring suit on forfeited bond ... 57

TRUSTEES OF BENEVOLENT INSTITUTIONS— PAGE
appropriations for 5, 103
TRUSTEES OF TOWNSHIP—
duties in regard to persons needing public relief 10
when to report to county auditor amount of levy for township purposes 21
may issue bonds in anticipation of tax for erecting vault 43
may authorize special improvement of unimproved road 71
when to certify annual levy for township purposes to auditor 82
to erect guide-board at certain cross-roads 137
TURNPIKE COMPANIES—
rates of toll to be charged by 153
UNITED STATES COAST SURVEY—
persons in employ of may enter upon lands in Ohio 57
damages in such case, how assessed 58
penalty for defacing or removing monuments erected by 58
VILLAGES AND HAMLETS—
how streets established or vacated 25
mayor to compel hotel-keepers to provide fire-escapes 33
amendatory of the act authorizing Mt. Gilead to levy tax to build railroad .. 63
act authorizing Hillsborough to levy tax to build railroad 65
amendatory act providing for organization of 116
act authorizing Georgetown to levy tax to build railroad 138
act authorizing Ripley to levy tax to build railroad 149
act authorizing St. Clairsville to levy tax to build railroad 180
VIRGINIA MILITARY SCHOOL LANDS—
register of, at Mansfield, to record titles of unsurrendered 147
WILLS—
may be deposited with probate judge 112
probate of deposited will, how made 112

INDEX TO LOCAL LAWS.

AGRICULTURAL SOCIETY— PAGE
of Coshocton county authorized to borrow money 210
of Franklin county authorized to borrow money 236
of Hardin county, county commissioners authorized to apply certain funds to pay indebtedness 291
of Delaware county, county commissioners authorized to apply certain funds to pay indebtedness 294

AKRON—
council authorized to receive moneys, interest for cemetery association 255

AMERINE, GEORGE—
act for relief of 207

APPROPRIATIONS—
for relief of Henry B. Bennett 199
for relief of Matilda Koenig 200
for relief of Elizabeth Dickel 201
for relief of Theodore Dickman 294
for relief of Charles Koahn 300

ATHENS COUNTY—
commissioners authorized to levy additional tax for county and poor purposes 292

AUGLAIZE COUNTY—
commissioners authorized to release sureties of Lewis Myers, late treasurer.. 215

AVONDALE—
council authorized to borrow money to build town hall 301

BATAVIA—
council authorized to issue bonds to build town hall 292
council authorized to transfer certain funds 293

BATH TOWNSHIP, SUMMIT COUNTY—
act transferring certain territory from one school district to another 291

BEAVER CREEK TOWNSHIP, GREENE COUNTY—
act creating additional sub-school district 233
act to amend act creating additional sub-school district 260

BEDFORD TOWNSHIP, CUYAHOGA COUNTY—
trustees authorized to transfer certain funds 212

BELLEFONTAINE—
council authorized to transfer certain funds 277

BENNETT, HENRY B.—
act for relief of 199

BENTON TOWNSHIP, HOCKING COUNTY—
act authorizing release of George Amerine, late treasurer, and sureties 207

BERNE TOWNSHIP, FAIRFIELD COUNTY—
act dividing, into two voting precincts 290

PAGE

BLANCHARD TOWNSHIP, PUTNAM COUNTY—
board of education authorized to issue bonds to pay school teachers 298

BLOOM TOWNSHIP, FAIRFIELD COUNTY—
act dividing, into two election precincts 304

BROWN COUNTY—
auditor authorized to issue refunding orders for certain taxes 209
commissioners authorized to issue bonds to construct certain road 211
commissioners authorized to construct free turnpike roads 243
commissioners authorized to transfer certain funds 251
commissioners authorized to levy tax to pay indebtedness of county 302

BUTLER COUNTY—
commissioners authorized to cut down and grade Fort Hill 258

CAHILL, J. R., ET AL.—
act for relief of 222

CANAAN TOWNSHIP, MORROW COUNTY—
act creating special school district in 225

CANFIELD—
council authorized to levy tax for repair of sidewalks 251

CANTON—
council to appoint trustees to take charge of bequests to the poor 197
council authorized to compromise with sureties of George Fessler 212

CHAMPAIGN COUNTY—
commissioners authorized to alter and repair court-house 260
commissioners authorized to issue bonds to build bridge at Urbana 295

CHARDON TOWNSHIP, GEAUGA COUNTY—
trustees authorized to borrow money to build a vault 206

CHILDREN'S HOME—
commissioners of Miami county authorized to transfer certain funds to support of 303
act establishing in Meigs county 278

CHILLICOTHE—
council authorized to invest funds in United States or other securities 300

CLARKSVILLE—
council authorized to issue bonds to build mayor's office and prison 231

CLAY TOWNSHIP, MONTGOMERY COUNTY—
act dividing into two election precincts 285
act amending foregoing act 302

CLAY TOWNSHIP, OTTAWA COUNTY—
board of education authorized to transfer certain funds 281

CLEAR CREEK TOWNSHIP, ASHLAND COUNTY—
trustees authorized to release Arcus Rumfield, treasurer, and sureties 273

CLERMONT COUNTY—
act authorizing commissioners to borrow money to pay indebtedness 203
commissioners authorized to levy tax to build county road 250

CLINTON TOWNSHIP, SENECA COUNTY— PAGE
trustees authorized to levy tax to improve road 290
CONCORD AND MADISON TOWNSHIPS, CHAMPAIGN COUNTY—
board of education authorized to issue bonds to build school-house..... 275
CONCORD TOWNSHIP, CHAMPAIGN COUNTY—
boards of education authorized to levy tax to build school-house 220
CORRY, W. M.—
act for relief of 256
COSHOCTON COUNTY—
agricultural society authorized to borrow money..... 210
commissioners authorized to transfer certain funds..... 219
COUNTY COMMISSIONERS—
of Lucas county, authorized to replank certain road 199
of Hancock county, authorized to build a jail 295
of Hamilton county, authorized to levy a tax to improve Mill creek..... 200
of Henry county, authorized to levy a tax to build a bridge..... 205
of Clermont county, authorized to borrow money to pay debt of county..... 203
of Erie county, authorized to issue bonds to build a jail 209
of Washington county, authorized to levy additional tax for support of poor . 210
of Brown county, authorized to issue bonds to construct certain road..... 211
of Stark county, authorized to compromise with sureties of George Fessler .. 212
of Putnam, Henry, and Wood counties, authorized to pay certain fees..... 213
of Auglaize county, authorized to release sureties of Lewis Meyers 215
of Shelby county, authorized to build certain bridge..... 218
of Brown county, authorized to pay certain sum to G. W. Drake 218
of Coshocton county, authorized to transfer certain funds 219
of Knox county, authorized to pay certain sum to county agricultural society 222
of Guernsey county, authorized to build court-house..... 223
of Scioto county, authorized to purchase toll road 225
of Marion county, authorized to borrow money to pay indebtedness of turnpike road 227
of Guernsey county, authorized to refund certain moneys to Landon Heskett. 230
of Licking county, authorized to contract for re-indexing records of deeds... 234
of Fayette county, authorized to refund certain taxes to Evans James..... 239
of Greene county, authorized to contract for re-indexing records of deeds.... 239
of Brown county, authorized to construct free turnpike road..... 243
of Darke county, authorized to straighten, clear out, etc., Mud and Greenville creeks 244
of Clermont county, authorized to levy a tax to improve county road 250
of Brown county, authorized to transfer certain funds 251
of Hamilton county, required to repair and preserve Mitchell avenue tunnel. 252
of Putnam county, authorized to issue bonds to redeem outstanding bonds .. 253
of Ross county, authorized to cut down and grade Demas hill 257
of Sandusky county, authorized to levy additional tax for county and poor purposes 258
of Butler county, authorized to cut down and grade Fort hill 258
of Champaign county, authorized to alter and repair court-house..... 260

COUNTY COMMISSIONERS—Continued. PAGE
of Hocking county, authorized to appropriate money to build bridge at Logan 271
of Hamilton county, authorized to repair steamboat landing at California... 283
of Summit county, authorized to transfer certain funds 286
of Van Wert county, authorized to cancel bonds of R. W. Davis and J. R. Cahill 227
of Pike county, authorized to issue bonds to build a bridge 289
of Athens county, authorized to levy additional tax for county and poor purposes 292
of Champaign county, authorized to issue bonds to build a bridge 295
of Lorain county, authorized to advertise for proposals to build court-house . 296
of Miami county, authorized to transfer certain funds to support of children's home 303

CREMEAU, ALLEN—
act for relief of 298

CUYAHOGA COUNTY—
board of equalization authorized to employ help..... 303

DARKE COUNTY—
providing for straightening, cleaning, etc., Mud and Greenville creeks..... 244

DAVIS, R. W., AND J. R. CAHILL—
act for relief of heirs of 222

DEFIANCE FEMALE SEMINARY—
supplementary to act incorporating 296

DELAWARE—
council authorized to issue bonds to build public hall 249

DELTA—
council authorized to transfer certain funds 235

DICKMAN, THEODORE—
act for relief of 294

DIEKEL, ELIZABETH—
act for relief of 201

DRAKE, G. W.—
act for relief of 218

DUCHOUQUET TOWNSHIP, AUGLAIZE COUNTY—
act creating two election precincts in 286

EAST LIVERPOOL—
council authorized to borrow money to build water works 204

EDGERTON—
council authorized to transfer certain funds 236

ELIDA SEPARATE SCHOOL DISTRICT—
certain territory in German township, Allen county, attached to 235

ELYRIA—
council authorized to borrow money to build town hall 203

PAGE

FINDLAY TOWNSHIP, HANCOCK COUNTY—
trustees authorized to levy tax to improve roads 259

FRANKLIN—
council authorized to issue bonds to build town hall 240

FRANKLIN COUNTY—
agricultural society authorized to borrow money 236

GEHRES, JACOB, ET AL—
act for relief of 227

GERMAN TOWNSHIP, ALLEN COUNTY—
sub-district dissolved and attached to Elida separate school district 235

GRATIS TOWNSHIP, PREBLE COUNTY—
act dividing into two voting precincts 287

GREENE COUNTY—
commissioners authorized to contract for re-indexing records of deeds 239

GREENE TOWNSHIP, HAMILTON COUNTY—
time of payment for section sixteen school lands extended 229

GUERNSEY COUNTY—
commissioners authorized to build court house 223
treasurer authorized to deposit funds in bank while court house is building .. 292

HAMILTON—
board of education authorized to transfer books to public library 259

HAMILTON COUNTY—
commissioners authorized to levy tax to improve Mill Creek 200
" required to repair and preserve Mitchell Avenue tunnel 252
trustees of certain fractional township authorized to sell certain school lands. 263
commissioners authorized to repair steamboat landing at California 283
act fixing compensation of township and ward assessors 305

HAMPDEN TOWNSHIP, GEAUGA COUNTY—
trustees authorized to sell town hall and site 238

HANCOCK COUNTY—
commissioners authorized to build a jail 205

HARDIN COUNTY—
trustees of certain townships authorized to drain certain marsh 284
commissioners authorized to apply certain funds to pay debt of agricultural society 291

HARRISON TOWNSHIP, PREBLE COUNTY—
act creating two voting precincts in 304

HENRY COUNTY—
commissioners authorized to borrow money to build a bridge 205
act authorizing commissioners to pay certain fees 213

HESKETT, LANDON—
act for relief of 230

HIRAM TOWNSHIP, PORTAGE COUNTY—
trustees authorized to levy tax to build vault 242

HOCKING COUNTY— PAGE
commissioners authorized to appropriate money for bridge at Logan 271
HOG CREEK MARSH, HARDIN COUNTY—
act providing for drainage of 284
HUNTSVILLE—
council authorized to issue bonds to supply village with water 274
INDEPENDENCE TOWNSHIP, CUYAHOGA COUNTY—
trustees authorized to borrow money for poor fund of township 272
JAMES, EVANS—
commissioners of Fayette county authorized to refund certain taxes to 239
JEFFERSON COUNTY—
act providing jurors for 202
JURORS—
act providing for, in Jefferson county 202
KENTON—
council authorized to issue bonds to pay indebtedness 221
KNOX COUNTY—
commissioners authorized to pay certain sum to agricultural society 223
KOAHN, CHARLES—
act for relief of 200
KOENIG, MATILDA—
act for relief of 300
LICKING COUNTY—
commissioners authorized to contract for re-indexing records of deeds 234
LOGAN—
council authorized to transfer certain funds 208
act authorizing council to issue bonds to build town hall 252
LORAIN—
board of education authorized to levy additional school tax 217
LORAIN COUNTY—
treasurer authorized to deposit funds in bank while court-house is rebuilding 252
commissioners authorized to advertise for proposals to build court-house 296
LOVELAND—
council authorized to transfer certain funds 260
LUCAS COUNTY—
commissisioners authorized to replank certain road 199
MADISON—
council authorized to issue bonds to build a vault 250
MADISON TOWNSHIP, CLARKE COUNTY—
trustees authorized to join council of South Charleston in building hall 254
MADISON TOWNSHIP, FRANKLIN COUNTY—
trustees authorized to sell certain lands 217

MANCHESTER SPECIAL SCHOOL DISTRICT— PAGE
school board authorized to draw order in favor of Julia A. Trent 292
MANSFIELD—
act fixing compensation of board of equalization 304
MARION AND MANSFIELD FREE TURNPIKE—
commissioners of Marion county authorized to pay indebtedness 227
MARION COUNTY—
commissioners authorized to issue bonds to pay indebtedness of turnpike.... 227
MARION TOWNSHIP, ALLEN COUNTY—
trustees authorized to transfer certain funds 221
MARION TOWNSHIP, MARION COUNTY—
act readjusting territory of certain joint sub-districts 286
McCONNELSVILLE—
council authorized to transfer certain funds 284
MECHANICSBURGH—
council authorized to issue bonds to build town hall 207
MEIGS COUNTY—
act authorizing establishment of children's home 278
MERCER COUNTY—
act changing time of holding court of common pleas 241
MIAMI COUNTY—
certain funds to be transferred for the support of children's home 303
MIDDLETOWN—
council authorized to make contract for lighting streets 198
act authorizing council to issue bonds to complete town hall 293
MILFORD—
council authorized to issue certificates of indebtedness to build jail 301
act authorizing council to transfer certain funds 223
MILLERSBURGH—
board of education authorized to borrow money to pay indebtedness 242
MONTGOMERY TOWNSHIP, ASHLAND COUNTY—
act authorizing trustees to release Joseph Stofer and sureties 237
MORROW COUNTY—
auditor authorized to contract for reindexing records of deeds 287
MOUND HILL CEMETERY, GALLIA COUNTY—
authorized to use certain funds to improve road 286
MT. GILEAD—
council authorized to settle with Chas. Shedd for cemetery funds 297
MT. STERLING—
council authorized to transfer certain funds 241
MUSKINGUM COLLEGE—
act prescribing number of trustees 299

MYERS, LEWIS— PAGE
act for relief of official sureties of 215
NAPOLEON—
council authorized to make certain improvements 237
NEWARK—
council authorized to transfer certain funds 233
NEWBURGH TOWNSHIP, CUYAHOGA COUNTY—
act transferring certain lots from control of board of education of Cleveland 213
board of education authorized to issue bonds to erect school-houses 264
NEW HAVEN TOWNSHIP, HURON COUNTY—
divided into two election precincts 272
NEW HOLLAND SPECIAL SCHOOL DISTRICT—
board of education authorized to issue bonds to build school-house 282
NEW LEXINGTON, HIGHLAND COUNTY—
council authorized to transfer certain funds 228
NEW LONDON—
council authorized to levy tax to build town clock 213
NEW LONDON TOWNSHIP, HURON COUNTY—
made a special school district 229
NEW STRAITSVILLE—
board of education authorized to issue bonds to purchase school-house 283
PAINT TOWNSHIP, HOLMES COUNTY—
board of education authorized to transfer certain funds 231
PERRY TOWNSHIP, LAWRENCE COUNTY—
board of education authorized to levy tax to pay indebtedness 215
PERRY TOWNSHIP, LOGAN COUNTY—
trustees authorized to transfer certain funds 208
PIKE COUNTY—
commissioners authorized to issue bonds to build improved road 265
act authorizing commissioners to issue bonds to build a bridge 289
PIKE TOWNSHIP, PERRY COUNTY—
trustees authorized to transfer certain funds 232
PREBLE COUNTY—
act authorizing sale of certain school lands 263
county auditor to appoint appraisers 264
PUTNAM COUNTY—
act authorizing commissioners to pay certain fees 213
commissioners authorized to issue bonds to redeem outstanding bonds 258
REPUBLIC—
council authorized to transfer certain funds 302
RICHWOOD—
council authorized to transfer certain funds 215

ROCKPORT TOWNSHIP, CUYAHOGA COUNTY— PAGE
trustees authorized to transfer certain funds 299
ROSS COUNTY—
commissioners authorized to cut down and grade Demoss hill 267
RUMFIELD, ARCUS—
act for relief of..... 273
SALEM—
council authorized to levy tax to improve streets 262
SANDUSKY COUNTY—
commissioners authorized to levy additional tax for county and poor purposes 258
act providing for locating and establishing ditches in..... 265
SANDUSKY TOWNSHIP, SANDUSKY COUNTY—
trustees authorized to issue bonds to pay certain indebtedness..... 256
SCIOTO COUNTY—
commissioners authorized to purchase toll road 225
SENECA COUNTY—
act providing for locating and establishing ditches in..... 265
SHEDD, CHARLES—
act for relief of..... 297
SHELBY COUNTY—
act authorizing commissioners to build certain bridges 218
SILVER CREEK TOWNSHIP, GREENE COUNTY—
trustees authorized to loan certain funds 236
SOUTH CHARLESTON, CLARKE COUNTY—
council authorized to join trustees of Madison township in building hall..... 254
SPECIAL SCHOOL DISTRICT—
act creating in Canaan township, Morrow county..... 225
act creating of New London township, Huron county..... 229
of Woodville township, Sandusky county, authorized to transfer certain funds 277
SPENCER TOWNSHIP, GUERNSEY COUNTY—
trustees authorized to transfer certain funds..... 275
STARK COUNTY—
commissioners authorized to compromise with sureties of George Fessler 212
ST. MARYS—
council authorized to transfer certain funds..... 274
board of education authorized to levy additional tax..... 269
STOFER, JOSEPH—
act for relief of..... 237
STRONGSVILLE TOWNSHIP, CUYAHOGA COUNTY—
trustees and board of education authorized to levy tax to build school-house and town-hall..... 281
SUMMIT COUNTY—
commissioners authorized to transfer certain funds..... 236

SUTTON TOWNSHIP, MEIGS COUNTY— PAGE
trustees authorized to pay damages for removal of road 224
TIFFIN—
council authorized to contract for supply of water 206
TRENT, JULIA A.—
act for relief of 222
UNION TOWNSHIP, LICKING COUNTY—
act dividing into two election precincts 254
VAN WERT COUNTY—
commissioners authorized to cancel judgment against Jacob Gehres, et al 227
WADSWORTH—
council authorized to transfer certain funds 231
WARREN COUNTY—
auditor authorized to issue certain refunding orders 263
WASHINGTON COUNTY—
commissioners authorized to levy additional tax for poor 210
WATERFORD TOWNSHIP, WASHINGTON COUNTY—
board of education authorized to compromise with defaulting treasurer 234
WAVERLY—
board of education authorized to appoint board of examiners 290
WAYNE TOWNSHIP, WARREN COUNTY—
trustees authorized to lease portion of township house 202
WOOD COUNTY—
act authorizing commissioners to pay certain fees 213
WOODSFIELD—
council authorized to issue bonds to improve streets 261
WOODVILLE TOWNSHIP, SANDUSKY COUNTY—
directors of special school district authorized to transfer certain funds 277
XENIA—
council authorized to remodel and improve city hall 276
YORK TOWNSHIP, UNION COUNTY—
authorized to cancel bonds of R. W. Davis and J. R. Cahill 222
ZANE TOWNSHIP, LOGAN COUNTY—
trustees authorized to sell certain land, and lease part of town-hall 288

INDEX TO JOINT RESOLUTIONS.

PAGE

ADJOURNMENT—
fixing hour of 327

ADJUTANT-GENERAL—
directed to correct muster roll of Thomas S. Hart 306
authorized to employ guard at State arsenal 313
directed to permit use of certain flags 321
directed to correct history of Gustavus S. Grate on muster rolls 323

AMENDMENTS. See *Constitutional Amendment.*

ATHENS ASYLUM FOR THE INSANE—
trustees directed to admit Henry D. Ward as a patient 314

ATTORNEY-GENERAL—
directed to make contract for care of incurable insane at Lucas county asylum. 326

AUDITOR OF STATE—
directed to reimburse Jefferson county costs of conviction of Homer Carl 311
authorized to restore to Solomon Eversull certain forfeited lands 320

BOARD OF PUBLIC WORKS—
directed to build catch-basins at New Bremen 322
directed to make examination of certain lands, on Miami Canal 326

BROADWELL, ELIZABETH LYTLE—
directing certain appropriation to be paid to 324

CALENDARS—
requiring clerks of both houses to furnish daily 308

CAMP CHASE RESERVATION—
requesting Ohio delegation in Congress to have rebel graveyard repaired 326

CLEVELAND ASYLUM FOR THE INSANE—
directed to receive James King as a patient 311

CODIFYING COMMISSION—
prescribing rules for consideration of bills introduced by 308
directed to number sections of revised statutes consecutively 317

COMMISSIONER OF FISHERIES—
providing for printing report of 324

COMMISSIONER OF LABOR STATISTICS—
providing for printing and binding report of 306

COMMISSIONERS OF SINKING FUND—
authorized to release certain indebtedness 319

CONSTITUTIONAL AMENDMENTS—
joint resolution proposing 315, 316

PAGE

CREAMER, HON. MICHAEL S.—
directing payment of per diem to widow of 318

DITCH LAWS—
directing secretary of state to print five hundred copies 327

DRIESS, ANDREW, ET AL—
directors of penitentiary directed to pay for time lost 314

EVERSULL, SOLOMON—
setting aside forfeiture of certain lands owned by 319

FORD, JOHN—
governor directed to make deed to as assignee of Wm. Moore 314
governor directed to execute deed to for certain lands 318

GOVERNOR—
committee appointed to wait upon 307
authorized to execute and deliver deed to G. W. Owens 312
directed to make deed for certain lands to John Ford, assignee 314
authorized to execute deed for certain lands to John Ford 318

GRATE, GUSTAVUS S.—
adjutant-general directed to correct charge of desertion against 323

HART, THOMAS S.—
adjutant-general directed to correct roll to show true service of 306

HAYNES, JACOB—
directing payment of, for services at Ohio soldiers and sailors orphans home . 309

JEFFERSON COUNTY—
auditor of state directed to reimburse costs of conviction of Homer Carl 311

JOINT RULES—
governing consideration of bills introduced by codifying commission 308

KING, JAMES—
Cleveland asylum for the insane directed to receive as an inmate 311

LUCAS COUNTY INSANE ASYLUM—
attorney-general to contract for keeping incurable insane at 326

MT. VERNON LADIES' ASSOCIATION—
directing to whom appropriation for, shall be paid 324

OHIO SOLDIERS AND SAILORS ORPHANS HOME—
directing payment of secretary of board of trustees 309
requesting certain information of trustees 310

PENSIONS—
petitioning congress to pass bill providing for increase of 307

PUBLIC WORKS—
chief engineer directed to survey ditch at Mercer county reservoir 315

SECRETARY OF STATE—
fixing hour for canvassing vote for 307
providing for printing additional copies of report of 313
directed to return certain bills for re-enrollment 321, 323, 324

SECRETARY OF STATE—Continued. PAGE
directing report of to be bound in muslin 322
directed to have printed five hundred copies of ditch laws 327
SELECT COMMITTEE—
appointed to meet governor and state officers of Indiana..... 327
STATE LIBRARY—
privileges of, extended to officers of U. S. signal service station 325
STATE COMMISSIONER OF COMMON SCHOOLS—
providing for printing and binding report of..... 320
to prepare notes and annotations of school laws 325
SUPERVISOR OF PUBLIC PRINTING—
directed to bind four thousand copies of report of school commissioner in muslin 320
to bind report of secretary of state in muslin..... 322
directed to omit certain reports from executive documents 323
directed to have printed twenty-five thousand copies of school laws..... 325
TREASURER OF STATE—
directed to turn over safe to warden of penitentiary 322
UNITED STATES—
granted right of way over Ohio lands at mouth of Muskingum river 310
UNITED STATES SIGNAL SERVICE—
privileges of state library granted to officers of station at Columbus 325
WARD, HENRY D.—
directing admission of to Athens asylum for the insane 314
WOOLERY, WILLIAM T., ET AL.—
directors of penitentiary directed to pay for time lost..... 314

Times of holding courts, 1879..... 320
List of supreme and common pleas judges..... 328

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